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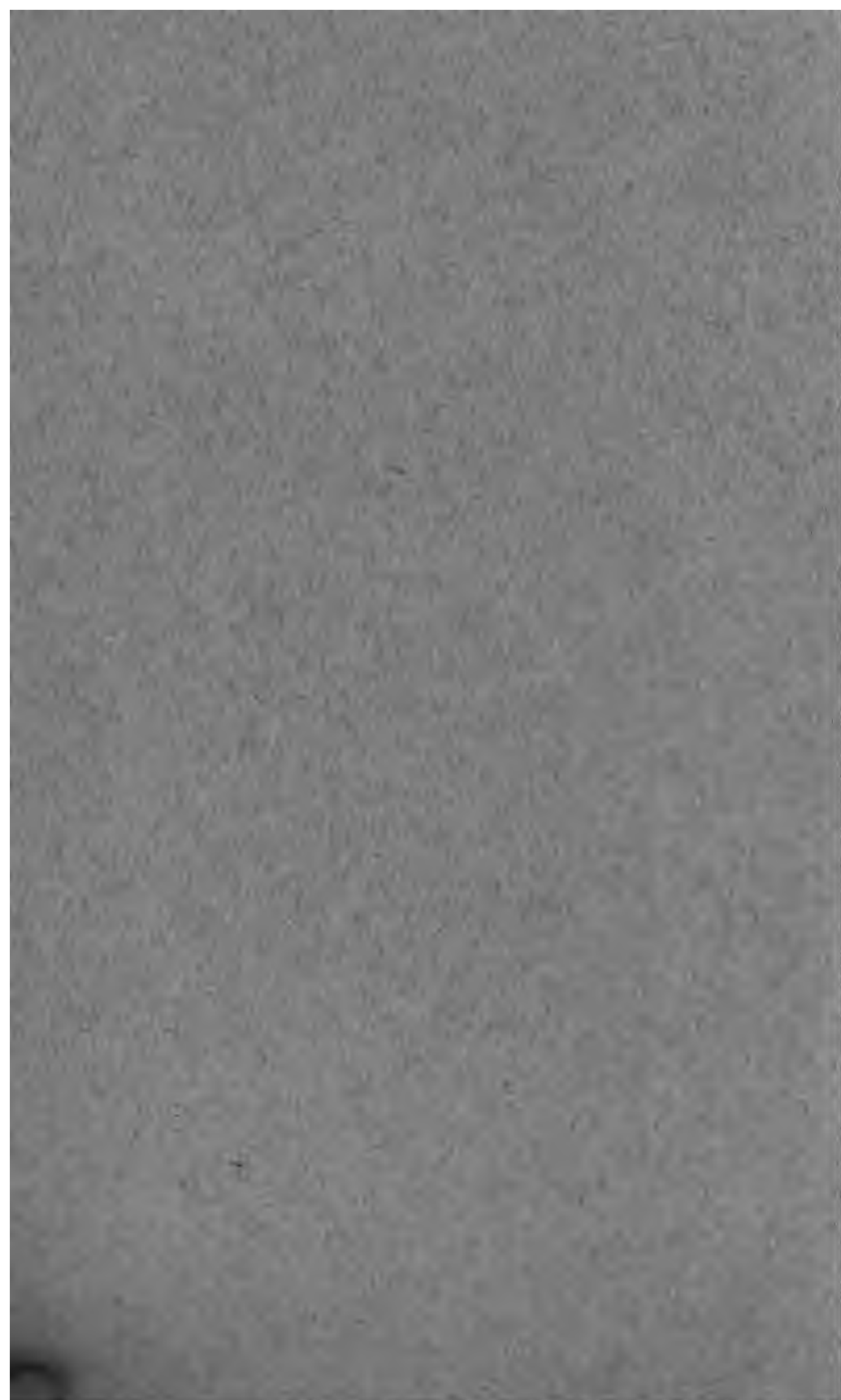
UNIVERSITY OF PENNSYLVANIA

**THE LORDS OF TRADE
AND PLANTATIONS
1675-1696**

BY
RALPH PAUL BIEBER

**A THESIS
PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL IN PARTIAL
FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY**

**H. RAY HAAS & CO.
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PREFACE

No longer do historians view the American colonies as practically independent communities, but as integral parts of the British Empire. More and more stress is being laid upon the relations between the colonies and the mother country, and as a result several extended studies have recently been made of the imperial organs of colonial administration, which however, have left virtually untouched the period from 1675 to 1696.

In this thesis I have attempted to present a history of the Lords of Trade and Plantations, a committee of the English Privy Council charged with the administration of the colonies during these years. It has been my purpose to describe the organization and activities of this body from the point of view of its relations with the American colonies. Several additional topics might naturally have been treated in this connection, namely, legal review, trade, defense and centralization, but as these phases have already been covered at least in part in the works of Professors Osgood, Andrews, Beer, Root and Dr. Russell, it has not been thought necessary to extend this study to include the above subjects.

After all the material for this thesis had been collected and organized and the text partly written, there appeared an article in the *American Historical Review*, vol. XXIII, no. 1, by Professor W. T. Root, entitled "The Lords of Trade and Plantations, 1675-1696." This article has been of no aid in the preparation of the present monograph which is based on an independent study of the sources.

I desire to express my gratitude to Dean Herman V. Ames, of the Graduate School of the University of Pennsylvania, who

first suggested the subject of this thesis and under whose guidance it was carried to completion. To him, as well as to Professors Edward P. Cheyney, Albert E. McKinley, and John B. McMaster, of the same institution, I am indebted for their critical reading of the manuscript. For various courtesies extended to me in the search for material my thanks are due to the officials of the Library of Congress, the Historical Society of Pennsylvania, the Main and Ridgway Branches of the Philadelphia Library Company, and the Main and Biddle Law Libraries of the University of Pennsylvania.

RALPH P. BIEBER.

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THE LORDS OF TRADE AND PLANTATIONS
1675-1696

CHAPTER I

ORGANS OF COLONIAL ADMINISTRATION PRIOR TO 1675

The period between 1675 and 1696 was an important one in the relations of England with her American colonies. Not only were some of the most effective methods of colonial control put into operation for the first time and others applied with renewed vigor, but policies were also inaugurated which survived and served as precedents in subsequent colonial history. To these years can be traced the beginnings of a regular method of appeals from colonial courts to the King in Council. Closely allied and just as significant, was the inception of a systematic review of colonial legislation by the home government, through which the laws of the colonies were brought into harmony with those of England. Fresh attention was given to the administration and interpretation of the acts of trade and navigation. To some extent as a result of this, there was initiated and partly carried into execution a policy which continued to be advocated in the next century, namely, that of substituting royal for charter governments and of bringing the colonies into a closer dependence on the crown by a process of consolidation. Furthermore, during King William's War, when the problem of imperial defense presented itself for serious consideration, the mother country assumed much of the burden of colonial resistance, and thus began a practice which it continued to the close of the wars with France in 1763.

In view of these facts some additional light may be thrown upon this period of American history by making a study of the central organ of colonial administration known as the Lords of

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subjects, received petitions and other colonial business from the council, together with instructions "to call the parties before them, to examine the matter, and find out the truth, and then to make certificate to their lordships of the true state of things and their opinion thereof." As a rule their reports were approved. In addition to the above bodies, occasional committees continued to be used; but in all cases of a colonial nature before 1642 the Privy Council itself gave the final decision.⁵

A change took place during the Interregnum. As a result of the unstable conditions in England in these years the colonies were left to pursue their internal development without much interference from the home government. The Privy Council, which had formerly administered to their needs, was abolished, and its executive duties were taken over at first by Parliament, then by the Council of State, and later by the Council of the Protector. Consequently what attention the colonies received came from these bodies and their committees. One of the first acts of the Long Parliament after the outbreak of Civil War was the establishment on November 24, 1643, of a commission for the plantations, made up of eighteen members from both houses, at the head of which was Robert, Earl of Warwick with the title of governor-in-chief and lord high admiral of all the plantations in America. The authority given to the commissioners to appoint and remove all governors and officials and to provide for the general welfare of the colonies, was partly exercised, but their efforts were in no wise commensurate with the needs of the plantations.⁶ In 1649 Parliament revoked their commission and the Council of State, which in that year became the executive head of the government, took charge of all matters relating to

⁵ *A. P. C., Col.*, I. 391, 398, 412, 429, 446; Andrews, *British Committees*, 17-21.

⁶ *C. S. P., Col.*, 1574-1660, pp. 324-326; Andrews, *British Committees*, 21-23.

trade and the colonies. This council transacted a considerable amount of colonial business, either with the aid of committees of merchants, or through its own membership with special committees for individual colonies, temporary committees for trade, plantations, the admiralty and the navy, and after 1651 with a standing committee for trade and foreign affairs. The latter body together with the Admiralty Committee was especially active.⁷ During the years 1653 and 1659 when the Council of the Protector, in which Cromwell was the leading figure, replaced the Council of State, the committee system for handling colonial matters was continued.⁸

That such a method of administration resulted in efficiency or was conducive to the development of any definite policy, could hardly be expected. Many were the oversights and frequent the delays that accompanied the transaction of colonial business during these years. And this can be easily understood when we consider that the organs of control were so frequently changed and that the statesmen in charge were for the most part preoccupied with internal political disturbances. Nor were some men of that day unaware of the defects in the system. Several English merchants engaged in an extensive colonial trade, most prominent among whom were Martin Noell and Thomas Povey, early raised the question whether a council which was busy with affairs at home could properly attend to the possessions abroad, and whether such important business could be best "transacted in diverse peices and by diverse Councells." They advocated the creation of a select council, composed of competent men, which, among other things, was to be given the power to make the colonies more useful to England and England helpful to them, and to reduce

⁷ *C. S. P., Col., 1574-1660*, pp. 330, 331, 335-338, 343, 352, 366, 373, 377, 381, 386, 394, 402; *Calendar of State Papers, Domestic, 1651-1652*, p. 67; Andrews, *British Committees*, 30-36.

⁸ *C. S. P., Col., 1574-1660*, pp. 412, 420, 423, 428-429, 445, 451, 468; Andrews, *British Committees*, 43-47.

all as far as possible to a uniform method of government. These proposals came to the attention of Cromwell and although they received a partial application upon the appointment of the select council for Jamaica in 1656, no system in any way approximating the ideas involved was established until after the close of the Interregnum. Their importance lies in the fact that they formed the connecting link between the colonial policy of the Protectorate and that of the Restoration.⁹

But upon the return of Charles II to England in 1660, no immediate attention was given to the proposals of these men. Instead, when a dispute about the sending of a governor to the Leeward Islands was brought before the reestablished Privy Council, the king on July 4, 1660, appointed a standing committee of ten of the leading ministers of that body to take charge of trade and plantations. It was instructed to meet twice a week in order to "receive, heare, examine, and deliberate upon any Petitions, propositions, Memorialls, or other Addresses which shalbee presented or brought in by any person or persons concerninge the Plantations, as well in the Continent as Islands of America: And from tyme to tyme make their Report to this Bord of their proceedinges."¹⁰ The committee immediately went to work and since it was the only body except the Privy Council itself that transacted colonial business for the next few months, it was kept very busy. Declining in importance after the establishment of the separate councils but assuming practically complete control between 1665 and 1670, this board continued to function with a slightly changing membership until 1675, when it was reorganized and became the Lords of Trade and Plantations.

In the meantime, probably through the influence of a new

⁹ Andrews, *British Committees*, 49-60.

¹⁰ *A. P. C., Col.*, I. 484; *C. S. P., Col.*, 1574-1660, pp. 482-483; *New York Colonial Documents*, III. 30.

set of proposals drafted by Thomas Povey, the king with the advice of his chief minister Clarendon decided to respond to the wishes of the merchants and erected two select councils, one for trade and another for plantations. The commissions for these bodies passed the great seal on November 7 and December 1, 1660, respectively. The former provided for a Council of Trade of sixty-two members, consisting of privy councillors, colonial experts, and merchants, which in addition to comprehensive domestic trade instructions, was ordered to consider the best method for the advancement of the navigation and trade of the colonies. The latter constituted a Council of Foreign Plantations with a membership of forty-eight, drawn from the same classes as that of the former body, and instructed along lines very similar to Povey's latest proposals. It was to inform itself of the state of the foreign plantations and obtain copies of the patents under which they were settled; to conduct a frequent correspondence with governors and proprietors; to attempt to bring the colonies under a more uniform method of government; and in general to apply itself in such a manner as to make the dominions useful to England and England helpful to them. These two councils were distinctly advisory and were required to transmit their decisions to the Privy Council for final determination. Among the twenty-eight members common to both were Lord Clarendon, Sir Anthony Ashley Cooper, later Earl of Shaftesbury, the two secretaries of state, Sir Edward Nicholas and Sir William Morrice, Thomas Povey and Martin Noell.¹¹

Neither of the councils thus commissioned achieved the success anticipated by their appointment. The Council of Trade continued to meet until 1664 and except arranging for convoys, transacted little colonial business.¹² The Council for Planta-

¹¹ *N. Y. Col. Docs.*, III. 30-36; *C. S. P., Col.*, 1574-1660, pp. 492-493; Andrews, *British Committees*, 64-74.

¹² Pepys, *Diary*, January 22, 1661; Andrews, *British Committees*, 82.

tions on the other hand, at first showed considerable activity. With the aid of its subcommittees of experts it carefully investigated the affairs of all the possessions and reported its findings to the King in Council. But during the year 1662 and afterward it met less and less frequently and seems to have come to an end in 1665, though its commission as well as that of the Council of Trade was not revoked until 1667. Whatever efficiency there was in colonial administration during these years was due in the main to the energy of the Lord Chancellor Clarendon, who from the very beginning of the Restoration had manifested a keen interest in the plantations.¹³

When the select councils ceased functioning the entire work of managing the colonies was once more assumed by the Privy Council and its committees, who acted with the assistance of various administrative boards. As we have already indicated, beginning with the year 1665 the standing committee of the council for trade and plantations became more active. Reorganized the year after the fall of Clarendon, it remained in existence until 1675, but naturally played a somewhat minor role subsequent to the creation of a separate council in 1670. In addition, it was the custom now, as it had been ever since the Restoration and even before, to appoint special committees of privy councillors for individual colonies as circumstances demanded. A certain amount of plantation business also continued to be brought before such departments as the Lords of the Admiralty, the Lords of the Treasury, the Commissioners of the Customs, and the Secretaries of State, all of whom cooperated by making their special knowledge available to the King in Council. In

¹³ *C. S. P., Col., 1661-1668*, 3, 32, 46, 80, 83, 84, 101, 224, 334, 510, 792, 833; Clarendon, *Life of Clarendon*, III. 407; Chalmers, *Political Annals of the Present United Colonies*, I. 244; Kaye, *English Colonial Administration under Lord Clarendon*, Johns Hopkins University Studies, XXIII. (1905), 12.

this connection there must finally be mentioned the Select Council of Trade revived in 1668, which took into consideration the execution of the acts of trade and navigation in the plantations.¹⁴

The return to the method of controlling trade by a separate body subordinate to the Privy Council was soon followed by the establishment of a similar arrangement for the colonies. On July 30, 1670, at the recommendation of Anthony Ashley Cooper, ten men were commissioned a select council to inform themselves of the condition of the plantations and to report their opinions thereon from time to time to the King in Council. Nine subsequent appointments were made in the following year in order to make it a more influential body, but all of these except John Evelyn were noblemen and great state officials and not admitted upon the same footing as the original ten. Besides its small membership, this board differed from its predecessor of Restoration days in remunerating its regular members for their services and in holding its sessions in secret. Of the twenty-four articles of its instructions and additional instructions, fourteen were based on those given to the select council for plantations of 1660. In addition it was ordered to develop the colonies with the view of making them the source of supply for certain commodities not found in England; to promote friendly relations with the Indians; to procure maps and charts of the several plantations; and lastly to examine colonial laws.¹⁵

This council proved to be more efficient in handling colonial affairs than any other board or committee heretofore appointed. During the two years of its existence it met on an average of

¹⁴ *A. P. C., Col.*, I. 519, 606, 659, 714, 725, 747, 813; *C. S. P., Col.*, 1661-1668, 847, 947, 1613, 1824, 1874, 1884; 1669-1674, 6, 9, 47, 751; Andrews, *British Committees*, 93.

¹⁵ *C. S. P., Col.*, 1669-1674, 225, 470; Evelyn, *Diary*, February 28, May 26, 1671; Andrews, *British Committees*, 96-101, 117-126; Beer, *The Old Colonial System*, Part I. vol. I. 244.

twice a week.¹⁶ In that time it received and acted upon numerous petitions, kept in touch with the royal governors, considered the economic welfare of the plantations, and with care and tact investigated and reported to the Privy Council on many phases of colonial activity. Very few were the instructions which it did not attempt to execute.¹⁷ The wisdom of entrusting colonial control to a small body of competent men responsible to the King in Council at last seemed to be demonstrated.

With this active board in September, 1672, there was united the less industrious Select Council of Trade. Thus for the first time the management of these two closely related interests was centered in a single body, separate from but of course subordinate to, the Privy Council. Anthony Ashley Cooper, now Earl of Shaftesbury and the most energetic member of the government in promoting colonial development, replaced the Earl of Sandwich as Lord President. A few further changes were made in the membership, but in general the organization remained the same as in the previous select council for plantations. The instructions issued to the new body were modelled after those of its predecessors, and form a clear outline of England's commercial-colonial policy which in principle was followed by the subsequent Lords of Trade and Plantations as well as by the later Board of Trade. Despite the fact that it performed as much work as the council of 1670, its commission was revoked on December 21, 1674.¹⁸ The reason for this action is not altogether clear. It has been suggested that it was probably due to

¹⁶ Andrews, *British Committees*, 101.

¹⁷ *A. P. C., Col.*, I. 915-917; *C. S. P., Col.*, 1669-1674, 232, 512, 565, 598, 640, 663, 699, 775; Evelyn, *Diary*, June 20, 21, August 3, November 14, 1671, February 12, April 16, 19, 1672.

¹⁸ *C. S. P., Col.*, 1669-1674, 923, 979, 1000, 1182, 1221, 1412; *N. Y. Col. Docs.*, III. 211-213; Evelyn, *Diary*, September 1, October 24, November 28, 1672, October 27, 1673; *Lords of Trade Journal*, I. 1; Andrews, *British Committees*, 107, 127-132.

various circumstances, such as the fall of Shaftesbury from power in 1673, the dissatisfaction with separate boards, and the policy of economy practiced after the Earl of Danby became Lord Treasurer.¹⁹ Whatever the cause, it is conceivable that the depleted exchequer which led Danby to a policy of retrenchment, may have been a very concrete reason for dissolving this expensive body, especially in view of the fact that three years after its commission had been revoked the expenses it had incurred were not yet fully paid.²⁰

Only a brief glance at the foregoing account of the frequent appointments and dismissals of committees, commissions and councils for trade and plantations, is sufficient to convince one that the English government followed no definite method of colonial administration before 1675. To create a separate department wholly devoted to the colonies was entirely beyond its conception. Upon the Privy Council, busy with the affairs of the realm, fell the duty of administering to the needs of the dominions. In discharging this duty it was hindered by frequent changes in its personnel, by domestic disturbances, and by foreign conflicts. Whether the king would continue this system after he had abolished the select council of trade and plantations in 1674, still remained to be seen.

¹⁹ Beer, *Old Col. System*, Pt. I. v. I. 251-254; Andrews, *British Committees*, 111-112.

²⁰ *Calendar of Treasury Books, 1676-1679*, 483, 1056-7.

CHAPTER II

HISTORY AND PERSONNEL OF THE LORDS OF TRADE AND PLANTATIONS

One of the criticisms to which the select councils were subjected was that they lacked executive authority. To remedy this defect it was suggested that commissioners should be appointed out of the Privy Council to meet regularly for the consideration of plantation affairs, "who may give directions in ordinary Cases, and in Cases extraordinary may report to the King and Council." It was further argued that these commissioners should have the constant attendance of a secretary, whose duties should be to collect and make available to those in authority all colonial documents, to correspond with the governors and other public officials in the dominions, and to keep himself informed of the plantation policy of foreign countries.¹ These recommendations are found in an undated memorial preserved among the Povey papers. Coming from one who at an earlier time had urged the establishment of the select councils, they are especially significant in indicating the failure of these bodies to render efficient service. Like the proposals of 1660, it is not known whether they were presented to the king or even brought to his attention, but the similarity in principle between the plan herein outlined and the one soon to be adopted is sufficient to merit our consideration.

After trade and the colonies had been neglected for nearly two months, Charles II, on February 9, 1675, finally decided to

¹ *Egerton Manuscript*, 2395, f. 276; cf. Andrews, *British Committees*, 112.

entrust these matters to the care of a committee of the Privy Council.² This body, known at the time as the Right Honorable, the Lords of the Committee for Trade and Plantations, was formally reorganized by an order in council on the following March 12, according to which it was to consist of twenty-one privy councillors, nine of whom were to have "the immediate care and Intendency of those Affaires in regard They had bin formerly conversant and acquainted therewith." These nine were Arthur Annesley, Earl of Anglesey, the Lord Privy Seal; John Egerton, Earl of Bridgewater; Charles Howard, Earl of Carlisle; William, Earl of Craven; Thomas Bellasyse, Viscount Fauconberg; George Savile, Viscount Halifax; Lord John Berkeley; Sir George Carteret, the Vice Chamberlain; and Sir John Ernle, the Chancellor of the Exchequer. Any five of the aforementioned were to constitute a quorum. The committee was given the power to send for all books and papers relating to the colonies and was instructed to meet at least once a week and report from time to time to the King in Council. Sir Robert Southwell, one of the clerks of the Privy Council, was ordered constantly to attend it.³

The appointment of this board meant that the control of trade and plantations, "left loose and at large" after the revocation of the commission of the select council in 1674, was placed in the hands of the committee of the Privy Council. Since it was only advisory it did not coincide with the desires of the critics. But the fact that the most active members of this body were among those who finally passed upon its decisions in the Privy Council, almost gave it the authority of an executive de-

² *Lords of Trade Journal*, I. 1; *C. S. P., Col.*, 1675-1676, 429.

³ *L. T. J.*, I. 1, 8-9; *Plantations General, Entry Books*, 1675-1687, 7-8. Before April 1679, seven additional appointments were made to the committee. *L. T. J.*, II. 6; *A. P. C., Col.*, I. pp. 589, 634, 703. During this period the Privy Council had a membership of about fifty. *A. P. C., Col.*, V. pp. 639-642.

partment. However, this did not mark the introduction of a new method of colonial administration. Instead it must be considered little more than a continuation or revival of what had already been put into practice. To be sure, no former committee of its kind ever had complete charge except for a comparatively short time; nor was any as permanent, as active, or as highly organized. Nevertheless the system itself was not novel, and as Professor Andrews says the Lords of Trade and Plantations of July 4, 1660, reorganized in 1668, became the Lords of Trade and Plantations of February 9, 1675.⁴

Except for a brief period in 1678, this committee exhibited great efficiency during the first four years of its existence. In that time it averaged fifty-nine sessions a year.⁵ Beginning its work by taking over the unfinished business of the former select council, it continued the activities of this body, but on a broader scale and with better success. Commissions and instructions were carefully drawn up for the royal governors, and queries were sent to them as well as to the proprietors requesting minute accounts of their respective governments, to which as a rule prompt replies were returned.⁶ Not only were frequent violations of the navigation acts investigated, but difficult cases involving the interpretation of these laws were also brought to its attention.⁷ Moreover, it heard numerous complaints, examined and reported on colonial laws, framed rules for passes, considered ways and means for improving the trade of the plantations, and called for and received lists of ordnance stores sent thither.⁸ But these activities were partially interrupted by the Popish

⁴ Andrews, *British Committees*, 63.

⁵ Consult Appendix B for the annual number of meetings.

⁶ *L. T. J.*, I. 104-108, 286; II. 216.

⁷ *Plant. Gen., Entries, 1675-1687*, 11-20, 28-30; *Additional Manuscripts*, 28089, ff. 3, 16.

⁸ *L. T. J.*, I. 101, 118-122; II. 32, 267; *Plant. Gen., Entries, 1675-1687*, 40-45; *A. P. C., Col.*, I. 1123.

Plot in 1678, when the meetings dropped to half the annual average for the period. During this year the committee, whose members were actively engaged in investigating this supposed conspiracy, had little time to devote to the colonies, and in fact admitted as much.⁹ For this diversion of interest Massachusetts was grateful since it probably saved her charter from confiscation for the time being. On the other hand, the governors of Jamaica and Barbados were deeply perplexed at the turn of events because, as Governor Carlisle stated it, "the small grievances of Jamaica can scarce find or expect time or place for redress."¹⁰ Yet in spite of this neglect, during 1675-1678 the committee transacted with energy and despatch a wider range of plantation business than any of its predecessors. Its appointment therefore, seemed to be a step in the direction of a more vigorous colonial control.

Naturally the king showed no desire to interrupt a display of efficiency so beneficial to the interests of the empire. For on April 22, 1679, the day after erecting a new Privy Council at the suggestion of Sir William Temple, he reappointed the Lords of Trade and Plantations and ordered them to proceed as before.¹¹ No great change in personnel was effected as is evidenced by the fact that eighteen of the twenty-three members of the new committee had been in attendance on the former board.¹² Nor was there much decrease in activity during the next seven years when the sessions averaged only forty annually. On the contrary the committee, besides transacting the variety

⁹ *House of Lords MSS. 1678-1688*, (Hist. MSS. Com. Report, v. 28, pt.

1) 1 ff; *C. S. P., Col., 1677-1680*, 912, 1014.

¹⁰ *L. T. J.*, III. 9; *C. S. P., Col., 1677-1680*, 894, 916, 974, 975.

¹¹ *L. T. J.*, III. 1-2; Courtenay, *Memoirs of Sir William Temple*, II. 34-35; Turner, *The Privy Council of 1679*, *Eng. Hist. Rev.*, XXX. (1915), 251-270.

¹² Prior to 1686 twelve more members were added to the committee, of whom five had attended the former board. *L. T. J.*, III. 2, 216; *A. P. C., Col.*, I. p. 820; II. 1, 170.

of business which previously came before it, now began to exercise the important function of hearing appeals from colonial courts. It likewise started the practice of requiring from the colonies quarterly accounts of their proceedings. In order to strengthen imperial control it vigorously led the assault upon the colonial charters, with the result that before 1686 two of these documents had been surrendered while writs of *quo warranto* were ordered for five more.¹³ Even though its usefulness could undoubtedly have been increased by more frequent and regular meetings, and its knowledge of the colonies augmented by a more strict attention to the correspondence of the governors and other officials, the committee cannot be charged with inefficiency during the closing years of the reign of Charles II.

A similar statement would not apply to the work of this board between 1686 and 1688. Under James II the gradual loss of competent personnel together with the disturbing effect of domestic politics greatly reduced its energy and influence.¹⁴ Meetings were infrequently held, and when the committee did assemble little business was transacted.¹⁵ Much of its time was spent in continuing the policy of vacating colonial charters and in attempting to consolidate these governments in the interests of royal administration.¹⁶ Aside from this most matters which came before it were dealt with in a perfunctory manner.¹⁷ For

¹³ *L. T. J.*, III. 93-94, 141-143; IV. 318; V. 141, 162-163, 212-222; *C. S. P., Col.*, 1677-1680, 1261; Toppan, *Edward Randolph*, IV. 8.

¹⁴ A list of forty-one members of the committee dated July 23, 1686, is given in *L. T. J.*, VI. facing p. 1. On January 27, 1688, the king appointed "All the Lords of his most honorable Privy Council. . . . a Standing Committee" for trade and plantations. Forty-one are enumerated. *L. T. J.*, VI. 123-125; *A. P. C., Col.*, II. 249.

¹⁵ *L. T. J.*, VI. 44-190. During 1686-1688 the meetings averaged sixteen a year.

¹⁶ *L. T. J.*, VI. 11-12, 69-70, 99, 142; *Plant. Gen., Entries*, 1675-1687, 240.

¹⁷ The committee's correspondence was also neglected. *C. S. P., Col.*, 1685-1688, 1856; 1689-1692, 52.

tunately however, for the colonies as well as for the mother country, this state of affairs was soon terminated by the Revolution of 1688.

When William III came to the throne he continued the policy of his predecessors by reconstituting the Lords of Trade and Plantations on February 16, 1689.¹⁸ From this time until it was superseded by the Board of Trade in May 1696, the committee met on an average of forty times a year, thus reviving some of the industry manifested under Charles II. Had the conditions under which it operated remained the same as before, the number of sessions would probably have sufficed to give the colonies a fair amount of consideration. But it had hardly commenced working before war broke out between England and France, and then colonial defense, which formerly occupied but a small part of the committee's time, claimed much of its attention.¹⁹ A great deal of the usual business was still transacted, though possibly on account of the more urgent demands of imperial protection, some of it at times was either neglected or deferred.²⁰

Notwithstanding this concentration upon military matters, the delay and confusion in sending expeditions to the West Indies and the numerous losses of merchant ships on the high seas indicate that its efforts to defend commerce and the colonies were to a great extent unsuccessful.²¹ But the Lords of Trade

¹⁸ *L. T. J.*, VI. 195-196. Of the twelve members named, eight had attended some of the sessions of the committee between 1675 and 1689. Five of the six men subsequently appointed had never attended before. *L. T. J.*, VI. 204, 295; *A. P. C., Col.*, II. 365.

¹⁹ *L. T. J.*, VI. 334, 340-341; VII. 11-12, 208-212; *Plant. Gen., Entries, 1687-1696*, 39-40, 151; *C. S. P., Col., 1689-1692*, 113, 395, 1338, 1755; *1693-1696*, 721, 1176.

²⁰ *C. S. P., Col., 1689-1692*, 2459; *1693-1696*, 52. New York acts passed between 1691 and 1696, and transmitted to the committee, were not acted on until May 1697. *N. Y. Col. Laws*, I. 223-369.

²¹ *C. S. P., Col., 1689-1692*, 386, 388, 391, 415, 419, 467, 508, 550; *London Gazette*, September 21, 1691; *House of Lords MSS., N. S. 1695-1697*, II. 64-117.

were not alone to blame, for other departments of the government, especially the Admiralty, must share equal responsibility. Still, many merchants who were adversely affected by the loss of their trade centered their attacks on the committee. In December 1695 the discussion was taken up in the House of Commons, where a bill was brought in and debated at length providing for the appointment, by an act of parliament, of a select council of trade with sufficient powers to protect the trade of the kingdom.²² Unwilling to have the authority of the crown thus curtailed, William III himself took the initiative in the matter and on December 19 informed the clerk of the Privy Council that he had appointed a commission for trade and plantations which would make it "unnecessary that the Committee for that purpose should meet for the present."²³ However, since the commission for the establishment of the new select board was not actually issued until May 15, 1696, the Lords of Trade resumed operations in January and it was only on the following April 18, that they finally terminated their twenty-one years of exclusive control over the colonial and commercial interests of the empire. The change in the method of administration from the committee of the Privy Council to the Board of Trade and Plantations was simply a reversal of what had occurred in 1675, when the select council was superseded by the Lords of Trade.

Important as this brief history of the Lords of Trade and Plantations is to a proper understanding of their relations with the American colonies, it would not be complete without some account of their personnel. For the quality of the personnel was one of the factors underlying their periods of varying activity. When men of competence sat at the board great energy

²² *Journal of the House of Commons*, XI. 359; Burnet, *History of His Own Time*, IV. 294-296; Luttrell, *Brief Historical Relation*, III. 560.

²³ *Plant. Gen., Orig. Docs., 1689-1696*, C 28; King, *Life of John Locke*, I. 442-443.

was usually shown in conducting colonial business; but when men of little ability predominated the exact opposite seemed to be the rule. Of course the defect in the system itself, by which even capable members could have their attention diverted by the turns in English politics, must also be given due consideration in this connection. Yet in the long run there appeared to be a close relation between efficiency in membership and vigor in administration. The truth of this statement will become more apparent when we examine the personnel of the committee in some detail.

As previously noted, when Charles II appointed the Lords of Trade in 1675, he named nine men who, because of their former acquaintance with plantation affairs, were given "the immediate care and Intendency" thereof. One of the most active of these was Arthur Annesley, Earl of Anglesey. Appointed Treasurer of the Navy in 1667, he had been advanced to the office of Lord Privy Seal in 1673, a position which he filled with credit until he was dismissed nine years later. His knowledge of colonial administration had been acquired while a member of the Privy Council Committee for Trade and Plantations, the Select Council of Trade and the Select Council of Plantations of 1660, the standing committee of the Council for Irish affairs, the Select Council of Trade of 1668, and special colonial committees of the Privy Council. This extensive experience together with the fact that he was "capable of great application" and could "do things regular," made him a valuable member of the Lords of Trade. His ability and influence were recognized by the committee as well as by colonial officials.²⁴ An-

²⁴ *C. S. P., Col., 1675-1676*, 662, 916, 1106; *1681-1685*, 129; *A. P. C., Col.*, I. 491, 513, 747; *N. Y. Col. Docs.*, III. 30, 31, 33; Pepys, *Diary*, July 9, 1667; Burnet, *Hist. of His Own Time*, I. 177; Andrews, *British Committees*, 93; *Dictionary of National Biography*, II. 2-3. Consult Appendix D for the length and frequency of attendance of the most active members.

other man with previous experience in colonial affairs was Sir George Carteret, Treasurer of the Navy 1660-1667, and Vice Chamberlain 1667-1680. Besides having been a member of all the select councils of trade and plantations from 1660 to 1675, and of various colonial committees of the Privy Council, he was also one of the proprietors of Carolina and of the Bahamas, and a stockholder of the Royal Fishery Company and of the Royal African Company.²⁵ The most regular in attendance at committee meetings was William, Earl of Craven, who, from the time of the Restoration, had been a favorite of Charles II. Like Carteret he was a stockholder of several commercial companies including the Hudson's Bay Company, and a proprietor of Carolina and of the Bahamas. He had likewise served on the Privy Council in a colonial capacity and had been a member of the Select Council of Trade of 1668.²⁶ Among the remainder of these nine whose industry merits consideration, were John Egerton, second Earl of Bridgewater,²⁷ who had been a member of the reorganized committee of the Privy Council for Trade and Plantations of 1668 and of the Select Council of Trade of the same year; Thomas Belasyse, Viscount Fauconberg,²⁸ formerly ambassador to Italy; Charles Howard, Earl of Carlisle,²⁹ who had a knowledge of diplomacy and had attended the same com-

²⁵ *C. S. P., Col., 1661-1668*, 408, 427, 647; *1669-1674*, 311, 934, 1105; *A. P. C., Col., I.* 491, 747; *N. Y. Col. Docs., III.* 31, 33; Carr, *Select Charters of Trading Companies*, 182; Andrews, *British Committees*, 93, 97; *Dict. Nat. Biog.*, IX. 209.

²⁶ *C. S. P., Col., 1661-1668*, 427; *1669-1674*, 311, 385, 934; *A. P. C., Col., I.* 747; Pepys, *Diary*, August 24, 1664, March 10, 1665; Carr, *Select Charters*, 182; Andrews, *British Committees*, 93; Willson, *The Great Company*, I. 46; *Dict. Nat. Biog.*, XIII. 45-47.

²⁷ *A. P. C., Col., I.* 747; Andrews, *British Committees*, 93; *Dict. Nat. Biog.*, XVII. 156-157.

²⁸ *Dict. Nat. Biog.*, IV. 142.

²⁹ *A. P. C., Col., I.* 747; Andrews, *British Committees*, 93; *Dict. Nat. Biog.*, XXVIII. 6-7.

mittees as Bridgewater; and Sir John Ernle,³⁰ Chancellor of the Exchequer 1675-1688.

In addition to these it must not be overlooked that there were other members of this first board, especially state officials, who had some knowledge of the plantation business. Thus Thomas Osborne, Earl of Danby, the Lord Treasurer and the king's chief minister from 1673 to 1678, had been a member of the Select Council of Trade of 1668 and the Select Council of Trade and Plantations of 1672. Though only infrequently in attendance, he probably spoke with emphasis in matters which involved the shaping of policy.³¹ Then there was Heneage Finch, first Earl of Nottingham, the Lord Chancellor 1675-1682, who as solicitor general 1660-1670, and as attorney general 1670-1673, had been brought into contact with oversea problems and had occasionally argued "most elegantly" on the side of the commercial interests.³² Moreover, the wide colonial experience of Henry Bennet, Earl of Arlington, while secretary of state from 1662 to 1674, is well known, although now as Lord Chamberlain (1674-1685) and an enemy of Danby, his influence in these matters declined.³³ But from the point of view of attendance and actual amount of business transacted, the two secretaries of state Sir Henry Coventry, 1672-1680, and Sir Joseph Williamson, 1674-1679, were the most capable minor state officials serving on the Lords of Trade. Coventry, who was a brother-in-law of the famous Earl of Shaftesbury, had diplomatic experience, and, as a number of contemporary writers tes-

³⁰ *A. P. C., Col.*, V. 640, 642 ff.

³¹ Andrews, *British Committees*, 93, 106; *Dict. Nat. Biog.*, XLII. 295-303.

³² *A. P. C., Col.*, I. 877; *C. S. P., Col.*, 1661-1668, 447, 769, 1322; 1669-1674, 362, 923, 1258; Pepys, *Diary*, February 21, 1668; Evelyn, *Diary*, October 27, 1664; *Dict. Nat. Biog.*, XIX. 8-11.

³³ Barbour, *Earl of Arlington*, 58, 74, 252-260; *Dict. Nat. Biog.*, IV. 231-233.

tify, was in many respects a very able man. He held stock in the Royal Fishery Company of 1664 and had been a member of the Select Council of Trade and Plantations of 1672. His special knowledge of individual colonies, gained through frequent correspondence with governors and other officials, at times made it advisable for the committee to delay the consideration of certain questions in his absence.³⁴ Of the two however, Williamson was the more industrious. Having commenced his public service as a clerk in the office of Sir Edward Nicholas secretary of state 1660-1662, and having been continued in the same position under Secretary Arlington, he was finally advanced to the office of secretary of state after Bennet was forced to retire in 1674. During these years his relation with the plantations had been close and constant. That he had taken more than a passive interest in his duties is evidenced not only by his elaborate notes on colonial questions but also by his voluminous correspondence with public officials in the colonies. When, therefore, he became a member of the Lords of Trade and continued his activities with even more energy than before, this experience undoubtedly proved of great value. Moreover, he was a stockholder of the Royal African Company of 1672 and of the Royal Fishery Company of 1677.³⁵

No significant changes were effected in this active group before 1679. In that year however, and in the three years following, the death of Carteret and Finch, the dismissal of Danby and Anglesey, and the resignation of Williamson and Coventry,

³⁴ *A. P. C., Col.*, I. 978, 997, 1017, 1030; *C. S. P., Col.*, 1677-1680, 268, 302, 313, 917, 924, 1433, 1486, 1646; Pepys, *Diary*, November 16, 1667; Burnet, *Hist. of His Own Time*, I. 559-560; North, *Examen*, 483; Carr, *Select Charters*, 183; *Dict. Nat. Biog.*, XII. 357-358.

³⁵ *C. S. P., Col.*, 1661-1668, 209, 238, 465, 521, 584, 639, 895, 1098, 1901; 1669-1674, 934; 1677-1680, 192, 201, 334, 364, 456, 543, 810, 1643; Evelyn, *Diary*, July 22, 1674; Courtenay, *Memoirs of Temple*, I. 358-359; Carr, *Select Charters*, 197; *Dict. Nat. Biog.*, LXII. 2-7.

made necessary the appointment of additional members. Some of these were men of competence, who, if judged by their interest and experience in colonial affairs, were fully the equal of those whom they replaced. Prince Rupert, for example, was the founder of the Hudson's Bay Company, and a patentee of the Royal African Company and of the Royal Fishery Company. He had held the position of First Lord of the Admiralty from 1673 to 1679, had been a member of the Tangier Commission of 1662, the Select Council of Trade of 1668, the Select Council of Plantations of 1670, the Select Council of Trade and Plantations of 1672, and for a few months in 1676 had attended the meetings of the Lords of Trade.³⁶ John Robartes, first Earl of Radnor, the Lord President of the Council 1679-1684, had served on the Privy Council Committee for Plantations of 1660, and also on the Select Councils of Trade and Plantations of the same year.³⁷ Furthermore, George Savile, Viscount Halifax, who succeeded Anglesey as Lord Privy Seal, and who was Lord President for a short time in 1685, had been on the Select Council of Trade of 1668 and the Select Council of Trade and Plantations of 1672, and had attended the Lords of Trade in 1675. Keen of intellect, moderate, and far-sighted, he probably understood the colonial point of view better than any other man of his time. After the charter of Massachusetts had been vacated in 1684 and the question came up whether or not the colony should be governed by a Governor and Council with instructions from the king, it was Halifax who arose in council to argue in defense of colonial liberties, thus anticipating Burke by almost a century.³⁸

³⁶ L. T. J., I. 122, 204; C. S. P., Col., 1669-1674, 934; Carr, *Select Charters*, 182; Andrews, *British Committees*, 93, 97, 106; Willson, *The Great Company*, I. 25-48; *Dict. Nat. Biog.*, XLIX. 414-415.

³⁷ N. Y. Col. Docs., III. 30, 31, 33; *Dict. Nat. Biog.*, XLVIII. 339-341.

³⁸ C. S. P., Col., 1669-1674, 923; C. S. P., Dom., 1668-1669, 225; Evelyn, *Diary*, September 27, 1662; Burnet, *Hist. of His Own Time*, I. 491-492; Foxcraft, *Halifax*, I. 428, note 2; Barillon to Louis XIV, December 7, 1684, in Fox, *History of the Reign of James II*, Appendix, ix-xi; Macaulay, *History of England*, I. 189-190, 212-213; *Dict. Nat. Biog.*, L. 356-364.

Of the other new appointees at this time, the most capable were Henry Hyde, second Earl of Clarendon, Lord Privy Seal Feb.-Sept. 1685; Lawrence Hyde, Earl of Rochester, Lord President 1684-1685 and Lord Treasurer 1685-1687; Francis North, Lord Guilford, Lord Chief Justice 1675-1682 and Lord Keeper 1682-1685; and Sir Leoline Jenkins, Secretary of State 1680-1684. The first two were the sons of the first Earl of Clarendon of Restoration fame, one of whom (Rochester) had diplomatic experience. Although their attendance at committee meetings was above the average, it cannot be said that either possessed much of his father's knowledge of colonial control.³⁹ Francis North on the other hand, had been brought into frequent touch with the plantations as Lord Chief Justice, and after becoming a member of the Lords of Trade in 1680, displayed great activity in colonial administration.⁴⁰ Lastly, Sir Leoline Jenkins, who was the successor of Coventry as Secretary of State, had a knowledge of diplomacy and naval affairs.⁴¹

Prior to 1685 then, during the time that the committee showed its greatest efficiency, the most attentive of its members were, on the whole, sufficiently capable of handling the business entrusted to them. Some were possessed of experience in colonial administration obtained while members of former committees and councils. Others had a knowledge of diplomacy or maritime affairs. Still others were financially interested in the various commercial companies of the time or were colonial proprietors.

But under James II when the influence of the board was re-

³⁹ Singer, *Correspondence of Clarendon and Rochester*, I. 3, 5, 16, 94, 109; *Dict. Nat. Biog.*, XXVIII. 389-399.

⁴⁰ *L. T. J.*, II. 81; III. 215-216, 220, 248, 249-250; IV. 27, 32, 34, 93; *C. S. P., Col.*, 1677-1680, 47, 342, 1809; 1681-1685, 544, 586; *Dict. Nat. Biog.*, XLI. 155-158.

⁴¹ *Cal. Treas. Books, 1672-1675*, 853; Chalmers, *Opinions of Eminent Lawyers*, 611-616; Courtenay, *Memoirs of Temple*, I. 464; *Dict. Nat. Biog.*, XXIX. 302-305.

duced to a minimum, its personnel underwent a decided change. Rupert, Radnor, North, Bridgewater, Arlington, and Jenkins had died, while Halifax, Clarendon and Rochester were soon dismissed from office by the new king. Craven and a few of the other former members continued to attend, but their influence was now negligible. Those who came into control were more interested in wielding autocratic power in England itself than in promoting the development of the plantations. Robert Spencer, Earl of Sunderland, Secretary of State 1679-1681, 1683-1688, and Lord President 1685-1688, had experience in foreign affairs, and though previously in attendance at committee meetings did not have much influence until James II came to the throne. Unscrupulous and clever in intrigue, his efforts should by all means have been limited to the field of diplomacy. Bishop Burnet, who recognized the good parts in Sunderland, remarks that "he had the dexterity of insinuating himself so entirely into the greatest degree of confidence with three succeeding princes, who set up on very different interests, that he came by this to lose himself so much, that even those who esteemed his parts, depended little on his firmness." This lack of confidence in his ability even spread to the plantations, for while he was secretary of state the colonial governors corresponded at greater length with the secretary of the committee than they did with him.⁴² A fit co-worker for a man of such talents was Sir George Jeffreys, Lord Chief Justice 1683-1685, and Lord Chancellor 1685-1688. As far as can be ascertained he had no previous experience in colonial administration. Chiefly known for the part he had taken in obtaining the surrender of the city charters throughout England and for his relentless cruelty in conducting "the bloody assizes," he

⁴² C. P. S., *Col.*, 1685-1688, 379, 592; Luttrell, *Brief Hist. Relation*, I. 367, 441, 446; Burnet, *Hist. of His Own Time*, II. 17-18, 202; Clarke, *Life of James II*, II. 62, 203; Macaulay, *Hist. of Eng.*, I. 192; *Dict. Nat. Biog.*, LIII. 368-376.

was probably the most incompetent active member who ever attended the Lords of Trade. With such a record it is conceivable that he may have played an important role in furthering the arbitrary colonial policy of centralization which was partly carried into execution during 1685-1688.⁴³ Charles, Earl of Middleton, William Herbert, Marquis of Powis, and Richard Graham, Viscount Preston, like Sunderland and Jeffreys, had little or no previous colonial experience when they became members of the committee, and the only reason for their appointment seems to have been that they were favorites of the king.⁴⁴

Even though such an inefficient group of men found no place on the Lords of Trade appointed by William III, the new members who replaced them did not at all measure up to the type who were active under Charles II. Because of the war with France special ability along the lines of imperial defense was of more immediate importance to the committee than any extensive experience in colonial control. Hence we find such men as Sir Henry Goodricke, lieutenant general of the ordnance, and Hugh Boscawen, a member of the Admiralty, attending quite regularly.⁴⁵ The other active members during 1689-1696 owed their appointment principally to the favor of the king, none of whom, except Halifax and Danby, ever had any particular knowledge of the plantations. Halifax only attended until February 1690, when, on account of political opposition, he resigned his office of Lord Privy Seal.⁴⁶ Danby, on the other hand, now created

⁴³ Burnet, *Hist. of His Own Time*, II. 379, 400; III. 59-60, 377; Evelyn, *Diary*, October 31, 1685; Cobbett, *Parliamentary History*, IV. 1387; Singer, *Cor. of Clarendon and Rochester*, I. 83; Foxcraft, *Halifax*, I. 428, note 2; *Dict. Nat. Biog.*, XXIX. 277-283.

⁴⁴ *Dict. Nat. Biog.*, XXII. 355-356; XXVI. 231-232; XXXVII. 339-341.

⁴⁵ Luttrell, *Brief Hist. Relation*, I. 530; II. 74; *Dict. Nat. Biog.*, XXII. 136-137.

⁴⁶ *Dict. Nat. Biog.*, L. 361.

Marquis of Carmarthen and appointed Lord President of the Council, was present at committee meetings throughout the period and indeed was more regular in attendance at this time than he had been while he was Lord Treasurer.⁴⁷ The two secretaries of state Charles Talbot, Earl of Shrewsbury, and Daniel Finch, second Earl of Nottingham, together with John Egerton, third Earl of Bridgewater, must be mentioned among those whose careers had not specially fitted them for colonial work, but whose attendance warrants consideration in this connection.⁴⁸ Political antagonism, more than anything else, prevented the concentration of whatever ability there was in this body of men, and as a result the plantation business was not very well managed.

In viewing the personnel of the Lords of Trade as a whole it is evident therefore, that the most capable and experienced men attended the committee before 1686. Yet the best of these had acquired their knowledge of plantation affairs, not directly through residence or travel in the colonies themselves, but indirectly through colonial agents or the correspondence of governors; from books or conversations with merchants. Consequently it is not surprising to find that in their administration of the American colonies they often failed to grasp the colonial point of view. To become a secretary of state it was an essential qualification to have had some diplomatic experience in a foreign country. To be appointed a member of the Admiralty Board a necessary prerequisite was a first-hand knowledge of naval affairs. Had the same test been applied to the members of the plantation committee, whose sphere of activity was surely of no less importance to the welfare of the empire than either of the

⁴⁷ *Dict. Nat. Biog.*, XLII. 301.

⁴⁸ Coxe, *Correspondence of Shrewsbury*, 4-5; *Dict. Nat. Biog.*, XVII. 157-158; XIX. 1-5; LV. 302.

foregoing, it is probable that a great deal of the friction between the colonies and the mother country could have been avoided. But since the Lords of Trade were not a separate department of administration and only a committee of the Privy Council, no such rigorous requirements could have been exacted. In other words, the system itself, rather than the personnel of the committee, was at fault.

CHAPTER III

ORGANIZATION AND PROCEDURE

Of no less interest than the history and personnel of the Lords of Trade is a knowledge of their organization and procedure. What establishment the board had and how it transacted business are essential to a proper understanding of its activities in colonial control. Then too they are of importance because it was in some of these particulars that the committee showed such an advance on its predecessors.

Probably the first question which might be asked is, Where did the board do its work? In answer to this it may be said that it met regularly in the Privy Council Chamber, Whitehall, though one session each is recorded as having been held at Hampton Court, Derby House, and Wallingford House.¹ For a colonial office two rooms were rented in 1676 in Scotland Yard, and by 1678 the plantation business had expanded to such proportions that these were increased to four.² Thus while the committee met at one place its official headquarters were at another.

Since no contemporary description of the internal appearance and general equipment of the office rooms in Scotland Yard has been handed down to us, we are compelled to rely chiefly upon the information found in the board's quarterly expense accounts for these particulars. Like all the office rooms at that time,³ they were probably of woodwork and whitened plaster. The

¹ *L. T. J.*, I. 33, 198, 220; I.-VIII. *passim*.

² *L. T. J.*, I. 163; III. 75; *Cal. Treas. Books, 1679-1680*, 306.

³ Andrews, *Guide to the Materials for American History in the Public Record Office of Great Britain*, I. 93.

floors were covered with carpets, curtains hung at the windows, while on the walls were undoubtedly placed some of the numerous maps and charts which were purchased. Along the sides of the rooms were shelves and presses where papers, books and maps were kept. There were also partitions for clerks and a bed for a servant, in addition to such necessary articles of furniture as tables, desks, upholstered chairs and stools. It is of interest to note that the desks were supplied with paper, pens, ink, sand, wax, wafers, tape, and standishes. During cold weather the rooms were heated by burning wood and coal on grates, and light was furnished, when needed, by tallow candles.⁴

In these rooms the Lords of Trade had quite an extensive library, consisting of books on colonial, commercial, and maritime subjects as well as numerous pamphlets and serial publications. Some of the collection had been the property of the former select council which was taken over in 1675, but by far the greater part was purchased by the committee. In 1677, and again in 1678, duplicate lists of all the books were ordered to be made, one for the council chamber and another for the plantation office.⁵ The titles varied and ranged from histories of the colonies and accounts of voyages to collections of laws and treaties. A few were in French and were bought in Paris especially for the board.⁶ Aside from these it possessed various pamphlets on

⁴ *L. T. J.*, II. 12-13, 85. Sand was used for blotting; wafers were disks for sealing letters or documents; while standishes were stands containing the above writing materials and accessories.

⁵ *L. T. J.*, II. 146, 266.

⁶ The following is a select list of books in possession of the committee: Ogilby, *History of America*; Castel, *A Short Discovery of America*; Ligons, *History of Barbados*; Hakluyt, *Relation of the West Indies*; *Natural History of the West Indies*; Increase Mather, *The Wars of New England*; John Smith, *General History of New England*; *History of the Antilles*, in French, 3 vols.; *Description of Madagascar*, in French; Smith's, *Voyages*; Purchas, *Pilgrimage*; Josselyn, *Voyages to New England*; *Recueil des Traittes entre l'Espagne et la France*; *Laws of New England*,

history and trade, and the book of rates, and subscribed to such periodicals as *Prices Current* and the *City Mercury*.⁷

Maps and charts also constituted a necessary part of the office equipment. Few if any of these were received from the previous council; for its secretary John Locke, when requested to release the papers of this body in March 1675, replied that "for Globes and Mapps.....he never had any."⁸ Consequently it seems that the committee was forced to make its own collection. This it did in an adequate way by extensive purchases both at home and abroad, and by demands upon colonial governors for sketches of their respective plantations. The maps and charts thus assembled were either drawn by hand or printed. A few of the larger ones were pasted on boards and probably hung on the walls of the rooms; others were pasted on cloth and placed in presses; while the smaller ones as a rule were accumulated in bound volumes. This collection, to which additions were constantly made, comprised maps of the world, England, and the colonies, and maritime charts for navigators.⁹

But books and maps were of less value to the committee than its papers on trade and plantations. The *Journal*, comprising eight volumes of about three hundred pages each, was the fore-

in book form. In 1676 the board also ordered that all the Acts of Trade and Navigation be bound for its use. *L. T. J.*, I. 63, 163; II. 12-13, 194, 266; *New Eng. Hist. and Gen. Register*, XXXVIII. (1884), 261-262.

⁷ *L. T. J.*, II. 13, 85; *Cal. Treas. Books*, 1676-1679, 740.

⁸ *L. T. J.*, I. 9-10.

⁹ A partial list of the committee's maps and charts: Newfoundland, Port of Boston in New England, Long Island, Maryland, Virginia, Carolina, Bermudas, Barbados, Jamaica, Antigua, The Dominions in America, England, The World, Book of Maps, English Atlas, 3 vols., Map of Commerce, Chart in sixteen sheets of the Maritime Coast of America, Chart of the West Indies, Mercators Map of the West Indies, Map of the Mediterranean, and a Map of the Straits. *L. T. J.*, I. 35, 163; II. 13, 141, 163, 194, 266; III. 70, 199; *Cal. Treas. Books*, 1676-1679, 1210; 1679-1680, 306; 1681-1685, 267, 467, 765; *C. S. P., Col.*, 1675-1676, 863.

most among these, and contained the place and time of meeting, a record of the members attending, and a full account of the proceedings. There were times when the minutes were brief, and when all the meetings do not appear to have been recorded, but in general it was very well kept.¹⁰ Since few records of the former councils have been preserved, the minutes of the Lords of Trade mark the beginning of a series of Journals on trade and plantations which were continued by the later Board of Trade during the rest of the American colonial era. Besides these there were two extensive collections of colonial papers classified as original documents and entry books. The former contained letters to the committee together with enclosures, and the latter abstracts of letters from the committee and copies of various colonial documents issued by the English government. Attempts to systematize papers of this nature by previous committees had met with only partial success, and it was not until the Lords of Trade had been appointed that these two series began to emerge in a permanent form.¹¹ As early as May 1675, it was ordered that a general collection be made of the names of all colonial governors with copies of their commissions and instructions, and also of all charters and grants to the several colonies, so that, in the words of the order, "it may appear to the Lords at what time, and by what meanes they came under the Sovereignty of his Majesty and in What manner They now hold and depend upon him."¹² For the purpose of transcribing these documents from the Rolls and other places, a number of clerks were employed, who were paid to do the work but without any extra fees.¹³ Moreover, beginning with Sir Robert Southwell, the clerks of the Privy Council attending the committee engaged an

¹⁰ *L. T. J.*, II. 223, 319; IV. 11; VI. 44-190.

¹¹ *L. T. J.*, I. 113; II. 8; Andrews, *Guide*, I. 103-104.

¹² *L. T. J.*, I. 24.

¹³ *Plant. Gen., Entries, 1675-1687*, 46, 55, 74; *A. P. C., Col.*, I. 1151, 1213, 1323.

extra clerk to accelerate the process of making entries of out-letters to the individual colonies, some of which, as Southwell averred in 1677, were in arrears from the beginning.¹⁴ Hence the board was not only kept busy gathering and arranging its own papers, but also had the additional burden of completing what its predecessors had left undone.

At first the only clerical force that the committee had to carry on this work was Sir Robert Southwell, clerk of the Privy Council, and his assistant, William Blathwayt. Both performed their duties in a conscientious and efficient manner, but the work was far too great for only two men. So in March 1676, when Southwell petitioned the king to be relieved of his duties because of the strain upon his health, the committee suggested, and it was accordingly ordered, that each of the four clerks of the Privy Council take turns in attending the Lords of Trade as secretary for six months at a time, and that Blathwayt be continued as their permanent assistant. At the same time it was ordered that two regular clerks be engaged for the plantation office, and later, in order to hasten the work of making the entries, an extra clerk was appointed.¹⁵ After the office in Scotland Yard was opened, it became necessary to add a servant to take care of the rooms and a woman to clean them. Finally, in attendance at committee meetings in the Privy Council chamber there were two keepers of the council chamber who furnished fire and candles, an underkeeper of the council records who supplied papers, pens, and ink, and a messenger and his assistant.¹⁶ Except perhaps for the employment of clerks to perform extra work from time to time, the above establishment remained practically unaltered throughout the period. This force of employees, more permanent than the members of the committee itself,

¹⁴ *L. T. J.*, II. 8-10, 139.

¹⁵ *L. T. J.*, I. 39, 112-114; II. 9-10, 139.

¹⁶ *L. T. J.*, I. 224-225; II. 10.

made the occasional changes in the personnel less significant than otherwise and added continuity to the method of colonial administration.

Two members of this office force, Sir Robert Southwell and William Blathwayt, deserve particular mention. Southwell, who, as we have seen, was clerk of the Privy Council and attended the committee as its secretary for more than a year after its appointment, was a man of ability especially fitted for this position and brought some semblance of order out of chaos in routine plantation methods. Indeed in performing his duties, which involved attending the meetings of the Lords of Trade, conducting colonial correspondence, making reports, and copying papers, he worked so hard that he was forced to retire in 1676 to regain his health. Upon this occasion the king recognized his qualities by commending him for his "Extraordinary paines and diligence" in placing the numerous colonial documents "into very good method." Even though his duties as permanent secretary were thus ended, he still exercised considerable influence in the plantation office as clerk of the Privy Council until 1679, when he was appointed to a diplomatic position abroad.¹⁷

Closely associated with Southwell was a young man of excellent parts, William Blathwayt. He began his colonial activities as assistant to Southwell in September 1675, and in May of the following year, when the plantation office was established on a more permanent basis, he was continued "as a very fit Person" to be permanent assistant to the clerks of the Privy Council attending the Lords of Trade. Rewarded for his industry in 1677 by an increase in salary, he continued in this position until the committee suspended operations in 1696.¹⁸ During this time he

¹⁷ *L. T. J.*, I. 39, 112-115; II. 8-9; *A. P. C., Col.*, I. 1241, 1284; *C. S. P., Col.*, 1675-1676, 524, 595, 621, 728, 752; *London Gazette*, December 8, 1679; *Dict. Nat. Biog.*, LIII. 299-301.

¹⁸ *L. T. J.*, I. 114; *Cal. Treas. Books, 1676-1679*, 249; *A. P. C., Col.*, I. 1175.

rose rapidly in the service. He was made Clerk of the Council in Extraordinary in 1678, Surveyor and Auditor General of the Plantation Revenues in 1680, Secretary at War in 1683, Clerk of the Council in Ordinary in 1686, a regular Clerk of the Council in 1689, and it was occasionally rumored that he might be appointed secretary of state.¹⁹ At the same time his influence in colonial affairs increased. His capacity for administration gradually brought him to the foreground and it was not long before the bulk of colonial correspondence passed through his hands. After 1685 colonial governors, councils, and assemblies, knowing well where their interests would receive the best attention, wrote more frequently and at greater length to Blathwayt than to the inefficient secretaries of state, Sunderland and Nottingham.²⁰ Occasionally he must have accepted fees for his services, for in 1694 the Governor of New Hampshire suggested that £400 be given him in order that the laws of the colony might be confirmed by the King in Council.²¹ His ability is well estimated by the diarist John Evelyn when he records that Blathwayt was "very dextrous in buisnesse" and that he had "raised himselfe by his industrie from very moderate circumstances."²² His services, extending throughout the whole period from 1675 to 1696, were of inestimable value to the Lords of Trade whose personnel underwent such frequent change. He was the administrative head of the colonial office, and was interested, to be sure, more in methods than in general policy.

¹⁹ *Additional MSS.*, 22357, f. 197; *Ormonde MSS.*, n. s. IV. (Hist. MSS. Com. Rep. Vol. 18, 1906) 444; *A. P. C., Col.*, II. 574; V. 649, 650; Singer, *Cor. of Clarendon and Rochester*, I. 96; Luttrell, *Brief Hist. Relation*, II. 194, 357, 601; *Dict. Nat. Biog.*, V. 206.

²⁰ *Ormonde MSS.*, n. s. IV. 449; *C. S. P., Col.*, 1681-1685, 963; 1685-1688, 369, 379, 592; 1689-1692, 2200, 2552; 1693-1696, 499, 831; *N. Y. Col. Docs.*, III. 363; IV. 2, 31.

²¹ *New Hampshire Provincial Papers*, III. 27, 36.

²² Evelyn, *Diary*, June 18, 1687.

The cost of running such an establishment was by no means negligible. As a rule quarterly expense accounts were drawn up, at first by Southwell and later by Blathwayt, which, after having been approved by the committee, were sent to the Lord High Treasurer, who in turn ordered payment to be made out of the Exchequer. In the beginning these bills were usually paid within a month, but subsequently years intervened between the signing of the account by the Lords of Trade and the money warrant ordering payment out of the Exchequer.²³ The items of expenditure here enumerated included office rent, furnishings for the rooms in Scotland Yard, candles, candle-sticks, coal, wood, stationery, books, pamphlets, periodicals, maps, charts, binding books, salaries, and fees. The average yearly expenses during 1675-1682 were £1168 2s. 1d. The salaries of the employees, which constituted the largest individual outlay, amounted to about £950 annually. The clerks of the council attending the board were paid at the rate of £400 per annum. Blathwayt as permanent assistant at first received £150, and after 1677, £250. Each of the two regular clerks and the extra clerk were allowed £50 a year, the two keepers of the council chamber and the underkeeper of the records £36 10s. each, a messenger together with his assistant £50, and a servant for the office and a woman to clean it £20.²⁴ Unlike the select councils of 1670 and 1672, the members of the Lords of Trade received no salaries, and in this way a big item of expense, which had proved so costly to these former boards, was eliminated.

When and how often the committee assembled and the number attending its meetings varied from time to time. Since the king had ordered it to convene at least once a week, it decided to

²³ *L. T. J.*, II. 162; *Cal. Treas. Books, 1676-1679*, 802; *1681-1685*, 1280.

²⁴ *L. T. J.*, I. 162-163; II. 10-13, 162-163, 192-194.

meet every Thursday morning and more frequently if necessary.²⁵ As the journals show, this decision was not strictly adhered to, for the committee not only transacted business on any day of the week, but at eleven different times met both morning and afternoon of the same day.²⁶ Occasionally eleven and twelve meetings were held monthly, while more frequently only one and two and sometimes none. The yearly total, as we have pointed out in the previous chapter, ranging from eighty-nine in 1677 to fourteen in 1688, fluctuated to a great extent with the influence and activity of the board.²⁷ According to the order in council of March 12, 1675, five were to constitute a quorum, but in May of that year, because the lords "found some Impediment to the progress of His Majesty's Business," this was changed to three, at which figure it remained throughout the period.²⁸ Nevertheless five sessions were held with only two present.²⁹ The average attendance during 1675-1696 was seven, though fifteen and sixteen are recorded at some meetings.³⁰

Had the attendance at committee meetings been limited to the officially appointed members, this average would have been appreciably reduced. But this was not the case, for almost every member of the Privy Council was present at one time or another, regardless of whether he had been appointed or not. Thus during 1679-1685 when thirty-five appointments were made, fifty-one different privy councillors attended; and again during 1689-1696 when there were eighteen appointments, as high as fifty-nine were in attendance. This fact reveals the fundamental structure of the Lords of Trade. It means that they

²⁵ *L. T. J.*, I. 8.

²⁶ *L. T. J.*, I. 49, 50, 65, 66, 185, 188, 195, 198; III. 46, 52, etc.

²⁷ Consult Appendix B.

²⁸ *L. T. J.*, II. 5; III. 2; VI. 195-196.

²⁹ *L. T. J.*, I. 220; V. 15; VI. 272; VII. 115, 120.

³⁰ *L. T. J.*, III. 309; IV. 278; V. 98; VII. 408. Consult Appendix B for the average yearly attendance.

were a committee of the whole council and not a select body with a definite membership. Still those who were designated as members generally were the most active in the administration of the colonies. As the Earl of Mulgrave pointed out in 1694, the serious defect in such a system was the irregular and fluctuating attendance which frequently resulted in everybody's business being nobody's.⁸¹

As the committee was distinctly advisory without any executive powers, its decisions had to receive the approval of the king before they could be carried into effect. When the board determined a question upon its own initiative, it agreed "to move" or "to represent" to his Majesty that its decisions be confirmed by an order in council, while when business was referred to it by the king or Privy Council, it agreed "to report" what it had decided. These terms at times are used interchangeably, though as a rule there was some such distinction made.⁸² Reports were signed by those present when they were drawn up and not by every member of the committee.⁸³ In difficult cases when the lords were uncertain how to act or felt incompetent to make a decision, the matter in hand was referred to the king for determination.⁸⁴

In transacting the enormous amount of colonial and commercial business which came before them during 1675-1696, the Lords of Trade were aided by other departments and officers of the government. They were not sufficiently skilled in the details of administration, nor had they the time to act alone. So now, as in the case of former committees, the Secretaries of State, the Lords of the Admiralty, the Lords of the Treasury, the Com-

⁸¹ Turner, *Development of the Cabinet, 1688-1760*, Amer. Hist. Rev. XVIII. (1913), 759, note 59.

⁸² *Plant. Gen., Orig. Docs., Misc.*, I. 787; *L. T. J.*, I. 22, 101, 242; IV. 180-182, 239; VI. 144; VII. 219-220.

⁸³ *L. T. J.*, I. 76.

⁸⁴ *L. T. J.*, II. 232; V. 96.

missioners of the Customs, and the Crown Lawyers, furnished the board with expert advice in their particular fields, and in most cases such opinions were readily approved. To the relations of the committee with these various departments we shall next turn our attention.

With the Secretaries of State the Lords of Trade had a continuous and close connection. At this time the secretaries were not the powerful officials of later years at the head of an independent department of government, but little more than tools of the crown, whose chief duties were to conduct the correspondence with foreign countries and to serve as the medium of communication between the king and the Privy Council.³⁵ Both were members of the committee, and save for a few years from 1684 to 1688 when Sunderland alone seems to have had direct relations with the plantations, both likewise carried on colonial correspondence. Although there is occasional mention of certain colonies being the special department of either one or other of the secretaries,³⁶ in actual practice there seems to have been no geographical or other division of colonial territory between the two. The records plainly show that Williamson,³⁷ Coventry,³⁸ Jenkins,³⁹ Sunderland,⁴⁰ Nottingham,⁴¹ Shrewsbury,⁴² and Trenchard,⁴³ during their terms of service, were in communication and

³⁵ Anson, *Law and Custom of the Constitution, The Crown*, II. 161-163; Andrews, *Colonial Period*, 130-131, and *Guide*, I. 18-19.

³⁶ *C. S. P., Col.*, 1677-1680, 81, 1443; 1693-1696, 1195.

³⁷ *C. S. P., Col.*, 1675-1676, 521, 526, 745, 858; 1677-1680, 564.

³⁸ *A. P. C., Col.*, I. 1273; *C. S. P., Col.*, 1675-1676, 601, 847, 945, 1006, 1036; 1677-1680, 268, 1082.

³⁹ *C. S. P., Col.*, 1681-1685, 73, 123, 507, 529, 608, 952.

⁴⁰ *C. S. P., Col.*, 1677-1680, 1363, 1445, 1462; 1681-1685, 1829, 1882, 1912; 1685-1688, 505, 1146.

⁴¹ *C. S. P., Col.*, 1689-1692, 1373, 1485, 1584, 1622, 2246, 2472; 1693-1696, 40, 52, 207, 531, 545.

⁴² *C. S. P., Col.*, 1689-1692, 155, 187, 797, 1096; 1693-1696, 1236, 1433, 1871.

⁴³ *C. S. P., Col.*, 1693-1696, 680, 886, 1159, 1319, 1340, 1746, 1898.

transacted business with all the plantations alike, both island and continental. Letters came into their hands from colonial governors, councils, assemblies, officials and private persons, some of which, especially those from the governors, were duplicates of originals sent direct to the committee. Other communications were meant for their own perusal. Still others passed through their office addressed to the king, who, after acquainting himself with their contents, would order one or other of the secretaries to transmit them to the Lords of Trade for consideration and report. The secretaries also had charge of all out-letters from the king to the colonies. In thus being practically the center of colonial correspondence, the secretaries had the opportunity to feel the pulse, as it were, of the plantations, and in this way gained much valuable information which they used to advantage in committee meetings, and upon which in many instances the lords relied. As we have seen, Williamson, Coventry, and Jenkins more nearly corresponded to this type of industrious official than Sunderland, Shrewsbury, or Nottingham.

As intermediaries between the king and the Lords of Trade, the secretaries also served the committee in several other capacities. Let us cite a single example here. Upon the appointment of a royal governor, one of them was usually ordered to notify the board of the fact and to request it to prepare the necessary commissions and instructions. When completed these were delivered to the secretary who then issued them in the king's name.⁴⁴ In this as in many other ways the secretaries acted as mouth-pieces of the king, always ready to do his bidding, but seldom powerful enough to exert very much influence in general policy.

The Lords of Trade likewise received the cooperation of the Treasury. This body, which was now emerging into a de-

⁴⁴ *L. T. J.*, II. 216; III. 183-184

partment very similar to the one of the present day, exercised executive and administrative functions.⁴⁶ In the latter capacity, as already mentioned, after receiving the itemized expense accounts of the committee, it issued orders to the Exchequer authorizing payment of the same. It further assisted the Lords of Trade in the matter of colonial expenditures. On June 27, 1679, when the reduction of outlay for the several plantations was being considered, it was suggested by the Lords of the Treasury, approved by the committee, and on the same day accordingly ordered in council "that all payments made to the Governours and other Officers of the Plantations, and for the Soldiers maintained there, bee transferred from the Exchequer and paid as the same shall become due, by the paymaster of the Army, upon a General Establishment to bee settled for that service."⁴⁶ But as was the case with the costs incurred by the committee, these were not paid promptly. Frequent were the petitions that came to the Lords of Trade from the royal governors, asking for the payment of arrears in their salaries and those of the foot companies of soldiers stationed within their colony. In such instances as well as in all other cases of appeal from the plantations for money, the board at once referred them to the Treasury with orders to give them due consideration.⁴⁷ Especially vexing to the committee was the tardiness of this department in 1689, when stores and provisions for the military expedition to the West Indies were held up in the Ordnance Department, because, as that body complained to the lords, the Treasury failed to supply the necessary funds.⁴⁸

⁴⁶ Andrews, *Guide*, II. 138.

⁴⁶ *L. T. J.*, III. 43-44; *A. P. C., Col.*, I. 1288.

⁴⁷ *L. T. J.*, III. 103, 113; *A. P. C., Col.*, II. 63; *C. S. P., Col.*, 1677-1680, 1243; 1685-1688, 1387; 1689-1692, 4.

⁴⁸ *Plant. Gen., Orig. Docs., Misc.*, I. 723, 977.

The committee had further relations with the Treasury in which the latter showed less procrastination. Questions arising in regard to the salary of a royal governor were referred to the Treasury for determination. To it, moreover, were transmitted colonial laws affecting the revenue, and the opinion returned thereon was as a rule concurred in by the lords, who made it the basis of their report to the King in Council. Also as creatures of the king it is not difficult to understand that the board should urge the Treasury to improve the royal revenues in the plantations upon all possible occasions.⁴⁹

Of even greater assistance to the Lords of Trade were the Commissioners of the Customs. Constituted as a subordinate department of the Treasury in 1671, they were entrusted with the collection of English and colonial revenues and to a great extent with the enforcement of the acts of trade and navigation.⁵⁰ As experts in spheres of activity so inseparably linked up with colonial administration, they frequently supplied the committee with much-needed information and assistance either by attending its meetings in person or by sending in written reports. Colonial acts relating to trade, shipping, manufacture and the customs revenues were referred to them for consideration, and in case they found any contrary to the acts of trade, the board accepted their decision as final and asked for the disallowance of such laws by the King in Council.⁵¹ They received references and reported on trade, the transportation of foreigners to the colonies, and the method of granting passes for ships.⁵² The committee also called upon them for the way in which they obtained lists and bonds from the plantations, for accounts of ex-

⁴⁹ *L. T. J.*, III. 106, 200; IV. 70; VI. 259.

⁵⁰ Andrews, *Guide*, II. 111-112.

⁵¹ *L. T. J.*, II. 169, 195-196; III. 318-319; IV. 93-94, 213, 215, 233; VI. 68; *C. S. P., Col., 1681-1685*, 168, p. 220.

⁵² *L. T. J.*, I. 4-5, 152-154, 158, 171; II. 321.

ports and imports of all goods to and from the colonies, and for the number of English ships engaged in the colonial trade together with the burden of each.⁵³ Furthermore, they drafted instructions to governors on the enforcement of the acts of trade, and besides furnishing the board with the information they received from their representatives in the colonies about the violations of these laws, they aided it in attempting to devise methods to put an end to such illegal trade.⁵⁴ Probably no other department was as active in cooperating with the Lords of Trade as the Commissioners of the Customs.

In like manner the committee and the Lords of the Admiralty were of mutual aid to each other. Inasmuch as the latter exercised executive control over naval affairs, their relations with the Lords of Trade were intimate, and like the Commissioners of the Customs, were called into frequent consultation at committee meetings. When a colonial governor or other royal official was to be transported, a packet boat with letters despatched, or ordnance stores sent to the plantations, the committee would advise the Admiralty of the nature of the shipment, and ask that the necessary tonnage be on hand by a specified time.⁵⁵ Similar action was taken by the board in notifying the Admiralty when, where, and how many convoys were required for the protection of merchant vessels and of the number and character of ships of war for colonial defense.⁵⁶ However, there was little evidence of efficient cooperation in these particulars

⁵³ *L. T. J.*, I. 64, 235; II. 30; III. 210-211, 337-338; *Cal. Treas. Books, 1681-1685*, 421.

⁵⁴ *L. T. J.*, I. 23-24; V. 38; *Plant. Gen., Entries, 1675-1687*, 11-21, 148-166; *1687-1696*, 1; *C. S. P., Col., 1675-1676*, 556, 565.

⁵⁵ *L. T. J.*, III. 170; VI. 256; *Plant. Gen., Orig. Docs., Misc.*, I. 965; *C. S. P., Col., 1689-1692*, 100.

⁵⁶ *L. T. J.*, II. 63; III. 6-7; VI. 212; *Plant. Gen., Entries, 1687-1696*, 48.

during the war with France after 1689. Then the vast losses of merchant ships on the high seas and the delay in despatching naval and military expeditions to the West Indies were due, not so much to the failure of the Lords of Trade to do their duty, as to the collapse of the Admiralty and other departments under the strain of a gigantic struggle for which they were largely unprepared. Information concerning the activities of pirates and privateers together with instances of violations of the acts of trade were also furnished to the Admiralty by the committee. This department moreover, was given the power to issue commissions and instructions to the governors as Vice-Admirals, authorizing them to erect courts of admiralty within their plantations for the trial of cases involving breaches of the navigation laws.⁵⁷

Occasionally the Lords of Trade conferred with officials other than those included in the aforementioned departments. Among these were the Attorney General and the Solicitor General, who were the legal advisors of the crown, and of the other departments of the government as well.⁵⁸ To the former, and less frequently to the latter, were transmitted colonial laws for their opinion and report. The Attorney General further assisted the committee on matters which involved the interpretation of the acts of trade, proceedings of *quo warranto* against a colonial charter, and the drafting of instructions for royal governors. At one time he was asked by the lords to recommend a secretary for New Hampshire who was "well versed in the law," and at another to examine and report on the draft of the grant of Pennsylvania to William Penn. To both legal advisors jointly were referred such questions as the examination of the titles of Mason and Gorges to New Hampshire and Maine, the interpre-

⁵⁷ *L. T. J.*, II. 197-199; *Plant. Gen., Entries, 1675-1687*, 92.

⁵⁸ *Anson, Law and Custom of the Constitution, The Crown*, II. 207.

tation of the acts of trade, the drafting of instructions to the royal governors regulating appeals from colonial courts to the King in Council, and the drafting of the king's proclamation granting pardons under certain conditions to pirates and privateers in the plantations.⁵⁹ The Lords Chief Justices of the King's Bench and the Common Pleas also rendered assistance upon the examination of the claims of Mason and Gorges.⁶⁰ Moreover, as a member of the Lords of Trade, even though infrequently in attendance, the Lord Bishop of London exerted considerable influence when ecclesiastical affairs were considered by the committee. Thus he presented an enumerated list of abuses which had crept into the churches of the plantations and asked for their rectification, drafted an instruction to the Governor of the Leeward Islands on the amount of land to be set apart for the minister there, and in 1694 at his recommendation the committee suggested to the king the names of two men for appointment to the council of Virginia.⁶¹

The above departments and officials therefore, not only aided the Lords of Trade in actual colonial administration, but also served them as bureaus of information. But the committee, usually desirous of hearing both sides to every question before reaching a decision, had other sources of information at its command. One of the most valuable was the correspondence from governors, proprietors and colonial officials. The royal governors were urged to write upon all possible occasions, and in order to have more definite answers on subjects about which the lords were most eager to obtain knowledge, a series of queries

⁵⁹ *L. T. J.*, I. 22; II. 195, 267; IV. 175, 190; VI. 32-33; VII. 27, 146; *C. S. P., Col.*, 1675-1676, 559, 563, 788, 798; 1677-1680, 346, 1478, 1495, 1580.

⁶⁰ *L. T. J.*, II. 19-21; *C. S. P., Col.*, 1677-1680, 342.

⁶¹ *L. T. J.*, II. 82-83; V. 133, 138; VII. 154, 270; *Plant. Gen., Entries*, 1675-1687, 47-49; *Additional MSS.*, 17018, ff. 89-90.

were drawn up and sent to all the governors, and the proprietors as well, requiring a detailed account on nearly every phase of colonial activity.⁶² A comparison of the heads of inquiry despatched to the governors with the instructions issued to the select council of trade and plantations of 1672, reveals the fact that twenty-three of the thirty queries were based on the instructions to the former board.⁶³ This indicates to what extent the committee followed the scope of procedure laid down for its predecessor and to a degree in what way it enlarged upon its activities. The records show that replies to these queries were received from time to time, but whether all of them were faithfully read and digested is a question which cannot be answered from the evidence at hand.⁶⁴

One of the difficulties here encountered was the time required for communication between England and the colonies. In an emergency special packet boats were despatched by the government, but ordinarily all letters and enclosures were entrusted to merchant vessels, which required anywhere from five to twelve weeks to traverse the Atlantic. Not only were ships liable to be detained by storms and contrary winds, but very often they were open to capture by pirates and privateers and subject to destruction by the enemy in time of war. As a result duplicate and sometimes triplicate letters were despatched, so that at least one might reach its destination. On one occasion Governor Vaughn of Jamaica complained that a letter from the committee took six months to reach him.⁶⁵

Still other sources of information were available to the committee. As early as May 1675 it was agreed "to move his Majes-

⁶² L. T. J., I. 104-108; *Plant. Gen., Entries, 1675-1687*, 31-36.

⁶³ Consult Appendix A.

⁶⁴ *Egerton MSS.*, 2395, ff. 523-524; *N. Y. Col. Docs.*, III. 260-262; *C. S. P., Col.*, 1675-1676, 800; 1677-1680, 741, 1447.

⁶⁵ *C. S. P., Col.*, 1675-1676, 973, 984; 1689-1692, 66, 100, 105; *London Gazette*, December 14, 21, 1674, April 25, 1678, March 6, 1679.

ty to send Commissioners into New England in order to a full Information of Things, which at this distance (and where no person appears on the other side) seeme very dark.”⁶⁶ This project was not carried into execution, but Edward Randolph was sent instead, who in October of the following year returned a minute account to their lordships on the general state of things as he saw them in Massachusetts, Connecticut and New Plymouth. This document, biased as it was, was accepted at its face value by the committee, who in 1678 declared to the king that it “had more light and information [on New England] from Mr. Randolph, then from any person else.”⁶⁷ For a number of years Randolph, at times in England but more frequently in the colonies, carried on a voluminous correspondence with the board, and unquestionably influenced that body in the formulation of some of its policies, especially with reference to New England. Another source of intelligence was the colonial agent. During this period at least nine colonies had such a representative in England, either temporary or permanent, from whom the committee obtained information on the condition, needs and views of the colonists.⁶⁸ In addition the Lords of Trade consulted with private individuals recently returned from the plantations, merchants, masters of ships, captains of the royal navy, and ex-governors.⁶⁹

Before concluding this account of the procedure of the Lords of Trade, let us briefly note with what plantations the English government had the closest relations. A comparison of

⁶⁶ *L. T. J.*, I. 22.

⁶⁷ *Additional MSS.*, 28089, ff. 6-24; Toppan, *Edward Randolph*, III. 6.

⁶⁸ *C. S. P., Col.*, 1675-1676, 708; 1677-1680, 80-84, 254; 1685-1688, 478; 1689-1692, 1624, 1686, 2175, 2724; 1693-1696, 536, 2121. Consult Tanner, *Colonial Agencies in England*, Pol. Sc. Quar. XVI. (1901), 24-36.

⁶⁹ *Egerton MSS.*, 2395, ff. 560, 609-648; *L. T. J.*, I. 111; II. 25; *A. P. C., Col.*, I. 1265; *C. S. P., Col.*, 1681-1685, 254, 311; 1685-1688, 1356.

the approximate number of times that business relating to the several colonies came before the committee during 1675-1696, shows that the island possessions received more attention than the continental possessions.⁷⁰ The reason for this is not far to seek. In the first place the island colonies more nearly corresponded to the ideal type of plantation as conceived of by the Englishmen of that day than the continental colonies. For, fruitful as sources of supply, they furnished England with a number of necessary commodities. Not so with those on the mainland. Except Virginia, the latter at this time supplied the mother country with but little raw material of value as compared with what came from the West Indies. Then again it must be taken into consideration that the island colonies were mostly of the royal type of government and as such their connection with England was naturally more intimate. This generalization holds true on the continent in the case of Virginia, and also of the other colonies, for when any of the latter changed from charter to royal in form it was given more attention than before. Finally, Massachusetts was so frequently brought before the board because of her dispute with the British government, while part of the consideration Pennsylvania and Maryland received was the result of the friction between themselves.

⁷⁰ Consult Appendix C.

CHAPTER IV

RELATIONS WITH COLONIAL GOVERNORS

The foregoing account of the history, personnel, organization, and procedure of the Lords of Trade and Plantations furnishes the necessary background for a consideration of their activities in colonial administration. To give a complete description of all the business that came before them between 1675 and 1696, is not the purpose of the following chapters. Their proceedings on purely domestic and European affairs will be omitted and, as stated specifically in the preface, only the essential features of their relations with the American colonies will be considered. After all, the latter was the chief reason for the committee's existence and constituted the major part of its work.

The relations of the Lords of Trade with the colonial governors may be a suitable starting point for the study of the board's activities in colonial control. Of the three classes of governors, those appointed by the crown, those chosen by the proprietors, and those selected in the colonies, the committee had the most intimate relations with the first or royal type. In the first place it was sometimes called upon to suggest such officials for royal appointment. Thus on May 2, 1689, William III ordered it to propose several competent men to be sent as governors to the crown colonies. After considerable deliberation lists of names were accordingly presented, and it speaks well for the influence and judgment of the committee that, except in the case of the Bermudas, the king made appointments for Jamaica, Barbados, the Leeward Islands, New York, and Virginia, from

the person which it proposed.¹ Another instance of a similar nature occurred in 1693 when the king chose a governor for the Bermudas at its suggestion.² But whether or not a governor was appointed upon its recommendation, the committee was zealous to uphold the rights of the crown and resented any interference on the part of the colonies in the matter of appointments. On one occasion when the councils of St. Christopher and Nevis petitioned in favor of a certain governor, it was prompt to reprimand them for "their too great forwardnes in intermeddling with any Intentions his Majesty might have of appointing a New Governor."³

After the selection of a governor, the committee received royal orders through the secretary of state to prepare his commission and instructions. To this task it devoted considerable time. Commissions and instructions to former governors were perused and used as a guide, and the alterations it considered necessary for a particular case were diligently discussed before incorporating them into the final draft. The governors themselves were called upon to offer suggestions, and at times presented their opinions in person at committee meetings, but more frequently transmitted them in written form. That the committee attached great importance to these proposals is attested not only by the fact that many of them were embodied unchanged in the actual instructions, but also by its readiness to alter a commission at the suggestion of a governor even after the final draft had already been drawn up. Moreover, the committee permitted the governor to have access to the papers in the plantation office relating to the colony to which he was ac-

¹ *L. T. J.*, VI. 231, 237, 239, 267, 277; *Plant. Gen., Entries, 1687-1696*, 47; *Plant. Gen., Orig. Docs., Misc.*, I. 788-789, 903, 907, 911, 915, 917, 923, 925; *C. S. P., Col., 1689-1692*, 198, 414, 428, 556, 558, 1166.

² *L. T. J.*, VII. 159, 161; *C. S. P., Col., 1693-1696*, 4, 9.

³ *L. T. J.*, IV., 288-289.

credited.⁴ Besides, as already mentioned, the Lords of the Treasury, the Commissioners of the Customs, the Lords of the Admiralty, and the Lord Bishop of London assisted the board by drafting those parts of the governor's instructions which came within their special fields.⁵ When completed the commission and instructions were transmitted to the secretary of state, and after passing the great seal, they were despatched to the governor in the king's name.⁶

The Lords of Trade next provided for the transportation of the governor to his plantation. First they ascertained the amount of tonnage he required, and then ordered the Admiralty to have the necessary ship or ships in readiness by a specified time. If one may judge from the accounts of the Earl of Carlisle and the Duke of Albemarle, the tonnage which thus had to be furnished was by no means negligible, for the former was provided with passage for seventy-five servants and 350 tons of freight, and the latter with passage for one hundred servants and 500 tons of freight. In time of war, and occasionally in time of peace, a governor was transported on ships of the royal navy.⁷

Upon his arrival in the colony the governor was ordered to keep in close touch with the committee and to correspond with it as often as possible. As early as August 11, 1675, circular letters were sent to the governors requiring them to transmit a full account of the state of things in their respective plantations. Answers to these were shortly received, but a more effective method was soon devised to obtain the desired amount of specific in-

⁴ *L. T. J.*, II. 101, 138, 201-204, 286-287, 299; III. 197; IV. 187-191. 221-223; V. 63; VII. 111-112; *C. S. P., Col.*, 1681-1685, 372, 1782.

⁵ *L. T. J.*, III. 201, 271; IV. 8; VI. 259; *C. S. P., Col.*, 1685-1688, 1312.

⁶ *L. T. J.*, II. 216; *A. P. C., Col.*, II. 42.

⁷ *L. T. J.*, VI. 239, 256; *Plant. Gen., Orig. Docs., Misc.*, I. 425, 965, 981, 985, 989, 1097; *Plant. Gen., Orig. Docs.*, 1689-1696, A, 4.

formation.⁸ In April 1676, a draft of thirty separate queries was drawn up and despatched to all the royal governors, asking for a prompt and detailed account on such questions as the nature and distribution of powers between the several departments of government, the laws in force, defence, trade, finance, privateers, internal improvements, Indian relations, religion, population, and vital statistics on births, marriages and deaths. At the same time similar queries with a few slight modifications were sent to the several proprietors, and subsequently in 1679 also to the governors of the charter colonies in New England.⁹ Replies to these were received from time to time, read and discussed at committee meetings, and in case any omissions were discovered the senders were at once notified of their negligence and asked to supply the necessary information.¹⁰ Except during its periods of comparative inactivity, the committee gave considerable attention to the answers thus received as well as to the other correspondence from the governors and proprietors, sometimes threatening a governor with removal whose letters were found unsatisfactory, and at other times commending one whose correspondence was found to be prompt and accurate.¹¹

Yet in spite of its efforts the committee complained in 1679 that some of the royal governors failed to write and that they had been "so very neglectfull of their Duty herein, that for divers years together they had not thought fit to give the least account of themselves by letter or otherwise." Consequently in

⁸ *L. T. J.*, I. 33, 242; *Plant. Gen., Entries, 1675-1687*, 9-10; *Egerton MSS.*, 2395, f. 523; *C. S. P., Col., 1675-1676*, 800, 811-812.

⁹ *L. T. J.*, I. 104-108; III. 69; *Plant. Gen., Entries, 1675-1687*, 31-37; *C. S. P., Col., 1675-1676*, 887.

¹⁰ *L. T. J.*, I. 228, 286; II. 39-40, 224, 233; *C. S. P., Col., 1675-1676*, 1150-1152; *1677-1680*, 403, 1349, 1352, 1360, 1447; *Chalmers, Annals*, I. 282-284, 307-310.

¹¹ *L. T. J.*, II. 147; III. 13, 116; *C. S. P., Col., 1677-1680*, 404.

November of that year it suggested, and it was accordingly ordered in council, that in addition to the obligation of the governor to write on all possible occasions, he and his council should keep a journal of the chief occurrences in the colony and transmit it quarterly to the committee together with their observation thereon; that the secretary of the colony regularly send home all the public orders and papers of importance that passed through his office; and that the clerk of the assembly despatch the journal of that body together with all bills and public acts passed.¹² The records show that such returns were frequently made by Barbados, the Leewards Islands, Jamaica, Virginia, and New Hampshire, and also by Maryland and New York when they became royal colonies.¹³ If these had been carefully perused, the committee's knowledge of colonial matters would have been considerably increased, but it seems probable that save when information was desired in particular cases, very few of these rich sources of colonial activity were ever diligently read.

The Lords of Trade were likewise careful to urge the governors to enforce the acts of trade and navigation. According to the law of 1660 all governors before entering office were required to take an oath to enforce the clauses in sections one and two of the aforesaid act, and also to transmit twice a year to the officers of the customs in London true copies of bonds taken in the colony.¹⁴ In September 1675 the committee inquired from the Commissioners of the Customs whether these provisions were enforced. When these officials reported that the first was not within their jurisdiction, and that the second was only very imperfectly followed, the committee immediately attempted to rectify matters. Accordingly it gave orders that the governors

¹² *Plant. Gen., Entries, 1675-1687*, 69-71, 73-74; *L. T. J.*, III. 93-94.

¹³ *L. T. J.*, III. 283; IV. 59, 96, 105, 128-129, 141, 147, 165, 167, 171-172; VI. 42, 170; VIII. 23, 36, 84.

¹⁴ 12 Charles II, chapter 18, sections 2 and 19.

take the oath for the execution of the acts of trade which it amended to read as follows: "You shall swear that You will to the best of Your Skill and Power so long as You shall continue in The Government or command of This Plantation well and truly execute and performe, and cause to be executed and performed all matters and things which by The Statute made in the 12th yeare of His now Majesty's Reigne Intituled An Act for the encouraging and encreasing of Shipping and Navigation, and by The Other Statute made in the 15th year of His Said Majesty's Reigne Intituled An Act for the encouragement of Trade You are required as Governor or commander of This Plantation to be sworne to the performance of. So help You God." The board further despatched letters to the governors strictly urging them to take particular care to return the bonds as provided in the acts of trade.¹⁵ These measures were only partially effective, but further consideration of their application will be deferred until the enforcement of the navigation laws is considered.

In other ways the committee tried to remedy any abuses which might prevent the royal governors from rendering efficient service. Particularly provoking was the growing habit on the part of these officials to reside at places other than in their own colony. To check this evil an order in council was passed on November 3, 1680, providing that no governor be allowed to come to England without permission from the King in Council. Two years later at the recommendation of the committee it was further ordered that he receive only half of his salary while absent.¹⁶ When a governor desired to leave his plantation he applied to the committee stating the reasons for his request and in case it saw fit a representation was made to the king that the

¹⁵ *Plant. Gen., Entries, 1675-1687*, 21-25, 37-40, 49, 50-54; *L. T. J.*, I. 55, 62-63; *C. S. P., Col.*, 1675-1676, 728.

¹⁶ *Plant. Gen., Entries, 1675-1687*, 87; *A. P. C., Col.*, II. 17, 96; *C. S. P., Col.*, 1681-1685, 832.

petition be granted by an order in council. In 1683 Lord Culpepper was removed from office as governor of Virginia for leaving the colony without conforming to the foregoing method of procedure. As a result of a representation by the committee this process was somewhat modified by an order in council of April 27, 1688, which stipulated that leave of absence could be obtained either by an order in council or by the king's "Sign Mannual."¹⁷

Additional control by the Lords of Trade over the actions of the royal governor was found necessary in order to make him an efficient representative of the crown. For example, they were influential in securing the requirement that no governor be allowed to receive a present from the assembly without first obtaining permission from the king. These gifts usually took the form of a grant by an act of assembly, and consequently the procedure involved in permitting the presents to be accepted by the governor was identical with that followed in confirming or disallowing a colonial law.¹⁸ To prevent corrupt practices through the misuse of the governors' patronage, the committee also ordered them "not to dispose of any places for gain, but that they make choice of persons fitly qualified, without any other consideration."¹⁹ Not infrequently a governor and some colonial official would become involved in a dispute which finally came to the committee for determination. In such instances both parties were given equal opportunity to present their evidence, and in case it was proved that the governor was at fault the committee did not hesitate to decide the case against him.²⁰

¹⁷ *L. T. J.*, IV. 87, 180, 182, 187; VI. 144, 147; *Plant. Gen., Entries, 1675-1687*, 31-32; *C. S. P., Col., 1681-1685*, 1191, 1193.

¹⁸ *L. T. J.*, IV. 86; VI. 129-130, 149-150; *C. S. P., Col., 1685-1688*, 679, 823, 1388, 1636.

¹⁹ *L. T. J.*, III. 106, 118.

²⁰ *L. T. J.*, V. 212-222; *A. P. C., Col., II. 180*; *C. S. P., Col., 1685-1688*, 454, 493.

In short, except during their periods of comparative inactivity, the Lords of Trade attempted to keep in close touch with the colonial governors during 1675-1696. Due to its position as a part of the king's council, this committee was able to obtain greater obedience to orders and command more respect from the governors than the later Board of Trade. It was always desirous of seeing these officials uphold the royal authority in the colonies; and in attempting to carry out this policy it was only hindered by occasional conflicts between the governors and the assemblies, a difficulty which proved more vexing to the royal officials in the next century. Over the governors selected in the colonies or appointed by the proprietors, the committee had little control. Its influence was exercised chiefly over the appointees of the crown, with whom its relation was close and constant.

CHAPTER V

JUDICIAL REVIEW

From the relations of the Lords of Trade with the colonial executive let us now turn our attention to the part the committee played in the English government's control over the provincial judiciary. This control was mainly exercised through the power of the Privy Council to act as a court of final resort for colonial judicial appeals; and as a committee of the Privy Council entrusted with the care of the plantations, the Lords of Trade naturally took a prominent part in this phase of administration.

The right of appeal from the highest court in a colony to the King in Council was a distinct advantage not only to the colonist, who was thereby afforded a means of relief from the prejudiced decisions of his local courts, but also to the crown, who could thus keep the judgments of the colonial tribunals in conformity with the fundamental principles of the common law of England.¹ This right, which was recognized very early in the case of the Channel Islands,² was later more clearly defined for the American colonies during the latter half of the seventeenth century through charters and commissions and instructions to royal governors. The charters of 1664 and 1674 granting New Netherland to the Duke of York, the Pennsylvania charter of 1681, and the Massachusetts charter of 1691, all contained

¹ Hazeltine, *Appeals from Colonial Courts to the King in Council, with Especial Reference to Rhode Island*, Amer. Hist. Assoc. Annual Rep., 1894, 303; Schlesinger, *Colonial Appeals to the Privy Council*, Pol. Sc. Quar., XXVIII. 279; Baldwin, *American Judiciary*, 8-9.

² MacQueen, *A Practical Treatise on the Appellate Jurisdiction of the House of Lords and the Privy Council*, 686, 735.

definite statements reserving to the crown the authority to hear and determine appeals from colonial courts.³ The patents of Maryland, Carolina, Connecticut, and Rhode Island had no such express provisions, but it was firmly established in the beginning of the eighteenth century, in spite of some occasional opposition from Massachusetts and Connecticut, that the privilege to appeal to the crown was an inherent right of all Englishmen and could be exercised, even if a charter were silent on the subject.⁴ In fact as early as 1681, when the Attorney General was questioned whether appeals ought not be permitted from Massachusetts, then a charter colony, he reported in the affirmative and contended that "There is no question but the sovereignty remaining in ye King An Appeal doth ly to his Majesty in Council as from Jerseye and Gernsy." ⁵ Similarly the royal governors in their commissions and instructions were ordered to permit the colonists to appeal. A typical example of this was the provision in Governor Dongan's commission for New York in 1686, which stipulated that "whereas wee Judge it necessary that all Our Subjects may have liberty to appeal to Our Royal person in cases that may require the same; Our will and pleasure is that if either party shall not rest satisfied with the Judgement or Sentence of Our Governor and Council they may then appeal unto us in Our Privy Council." ⁶

Notwithstanding these clear-cut statements granting to the colonist the privilege of appeal to the crown, very few actual cases of appeal from the courts of the American colonies reached

³ *N. Y. Col. Docs.*, II. 296; *L. T. J.*, III. 141; *Charters and Laws of Pennsylvania*, 84; *Acts and Resolves of Massachusetts*, I. 15.

⁴ MacQueen, *Appellate Jurisdiction*, 740-741; Chalmers, *Annals*, I. 297; *L. T. J.*, IV. 106-107.

⁵ *Egerton MSS.*, 2395, f. 596. In 1683 the Governor and Company of Rhode Island wrote to the Lords of Trade: "We take our liberty to appeal to the King as a great favor." *C. S. P., Col., 1681-1685*, 1252.

⁶ *N. Y. Col. Docs.*, III. 379.

the Privy Council prior to 1680. From that year forward however, until 1696, twenty-six such cases were found to have come before it for determination. Thus this important phase of colonial control, which assumed even greater significance in the eighteenth century, first began to be exercised regularly during the period under discussion, when the Lords of Trade were in charge of plantation affairs. Through them various regulations respecting appeals were effected, but these cannot be fully understood before their part in the general method of appealing is considered.

Although the procedure in cases of appeal varied in different instances, it is possible, from the cases at hand, to depict in outline form the main steps involved. Any person dissatisfied with a decision of the highest court in the colony could, within a certain time and provided the amount involved was sufficient, ask permission to appeal to the crown. If this request were allowed, the appellant was required to give security for the effectual prosecution of his appeal before the King in Council. If, on the other hand, the request were refused by the colonial court, the party usually petitioned the king over the heads of the colonial authorities and begged that his case might be considered.^{*} The Privy Council, upon receiving a petition or appeal, ordinarily referred it at once to the Lords of Trade who, if they decided to admit it, as they usually did, fixed an approximate date when the case could be heard. At the same time the committee recommended that the colonial governor be furnished with a copy of the appeal, that he notify the parties concerned, that he give free access to all records, and that he transmit, under the seal of the colony, authentic copies of all the proceedings in the

^{*} *A. P. C., Col.*, II. 180, 302; *C. S. P., Col.*, 1681-1685, 227, 1661; 1686-1688, 94; 1689-1692, 244; *L. T. J.*, V. 114.

courts relating to the case, all of which was carried into effect by an order in council.⁸

After the foregoing conditions had been complied with, the committee set a definite day for the hearing and summoned the appellant and the appellee to appear in person or through agents, together with their respective attorneys. When the appointed time arrived, all parties attended the committee meeting in the Privy Council chamber, Whitehall. The appeal was first read, after which the defendant was given an opportunity to present his side of the case, and then the plaintiff allowed to make a reply. Another chance was given to the defendant to present further evidence, and in the meantime sworn testimony, either oral or written, was heard in support of both sides, in addition to any other proofs that might have a bearing on the point of contention. These proceedings, which sometimes extended over several days, were finally terminated by a report of the committee, which affirmed, reversed, or varied the decree of the colonial court. In 1680 the Lords of Trade decided that in the order in council which legalized their report, the proofs of both parties should not be cited, but only the decision itself, "least otherwise they might be subjected to the Cavils of malicious persons."⁹ In the one case during 1675-1696, in which a rehearing was desired, the committee took no action.¹⁰ An appeal was dismissed either when the appellant failed to give the required security or if the case was not prosecuted within a year of the decree of the colonial court.¹¹

⁸ *L. T. J.*, V. 145, 268; *N. H. Prov. Papers*, I. 574-575; *A. P. C., Col.*, II. 156, 208, 506, 510; *C. S. P., Col.*, 1685-1688, 157, 669, 698; 1693-1696, 351, 490.

⁹ *L. T. J.*, III. 141-148; V. 145, 197-198, 202-206, 209-210, 212-222; VI. 112-113, 119-120, 137, 140; VIII. 71-74; *A. P. C., Col.*, I. 1344; II. 180, 208, 217; *C. S. P., Col.*, 1685-1688, 454, 1546, 1564; 1693-1696, 1927, 1943.

¹⁰ *C. S. P., Col.*, 1685-1688, 447.

¹¹ *L. T. J.*, VII. 220; *A. P. C., Col.*, II. 123, 333; *C. S. P., Col.*, 1681-1685, 1013, 1513; 1689-1692, 1762.

A few of the most significant variations from the above method of procedure may be noted here. In 1689 in the case of *Hubbard vs. Smailes*, the king, instead of referring the appeal of Hubbard to the Lords of Trade, despatched it to the Attorney General, upon whose report the appeal was subsequently admitted by an order in council.¹² In another instance the Privy Council first decided whether a particular appeal was to be admitted before transmitting it to the committee for examination.¹³ One of the most glaring exceptions to the ordinary routine occurred during 1685-1686, when a decision in the case of *Lane and Goldingham vs. Dutton* was determined upon at a committee meeting in the absence of the parties concerned, a proceeding which in this instance was not quite as arbitrary as might be supposed.¹⁴ Moreover, four cases have been found, two involving litigation over real estate and two violations of the acts of trade, in which the Privy Council, even though it consulted the Lords of Trade, took the leading part in reviewing the appeals, hearing most of the evidence and coming to decisions upon its own initiative without the usual reports from the committee.¹⁵ The proceedings in these four cases, as well as in the other three mentioned above, were exceptions to the general rule, for most of the appeals resulting from prosecution over real estate or infractions of the navigation acts were heard in the customary manner.

Just as the Lords of Trade therefore, practically decided the majority of cases of colonial judicial review that were determined by the Privy Council during 1675-1696, so also they were responsible for most of the regulations respecting this review which were effected during the same period. These regulations

¹² *A. P. C., Col., II. 333; C. S. P., Col., 1689-1692, 615, 834.*

¹³ *A. P. C., Col., II. 595; C. S. P., Col., 1693-1696, 1904.*

¹⁴ *A. P. C., Col., II. 202; C. S. P., Col., 1685-1688, 494, 516, 518, 550, 594, 595.*

¹⁵ *L. T. J., VIII. 76; A. P. C., Col., II. 213, 221, 595, 599; C. S. P., Col., 1693-1696, 1984.*

were expressed in orders in council, charters, and commissions and instructions to royal governors.

No other rule affecting the method of appeals showed greater variation in the different colonies than the one which provided a minimum amount for a case to be taken to the King in Council. In its instructions to Governors Lynch, Howard, Albemarle and Inchiquin of Jamaica between 1681 and 1689, the committee fixed this amount at £ 500; and similar instructions were probably issued to the governors of Barbados and the Leeward Islands.¹⁶ But the colonies on the continent fared better, for the Massachusetts charter of 1691, the commissions to Governors Dongan, Sloughter and Fletcher of New York between 1686 and 1692, the commission to Governor Copley of Maryland in 1691, and the two commissions to Andros as Governor of New England in 1686 and 1688, stipulated that a case had to involve at least £ 300 before it could be appealed to the crown.¹⁷ Although the committee in 1682 ordered Governor Culpepper of Virginia not to permit any appeals to England under £ 100, this sum was raised to £ 300 in the instructions to Andros in 1692.¹⁸ Still lower was the minimum amount required in New Hampshire where the commissions to Cutt and Cranfield in 1679 and 1682, respectively, placed it at only £ 50.¹⁹ Except in the case of New Hampshire therefore, the Lords of Trade finally seem to have come to the conclusion to designate £ 300 as the minimum requirement for an appealable case from the continental colonies, and £ 500 from the island colonies, a distinction which may have been based on the relative wealth of the plantations affected.²⁰

¹⁶ *L. T. J.*, V. 170; *C. S. P., Col.*, 1681-1685, 227; 1685-1688, 1187; 1689-1692, 490.

¹⁷ *Acts and Res. of Mass.*, I. 15; *N. Y. Col. Docs.*, III. 379, 539, 625, 829; *Maryland Archives*, VIII. 266; *Rhode Island Colonial Records*, III. 214.

¹⁸ *L. T. J.*, III. 340; *Board of Trade Papers, Virginia, 1689-1692*, 134.

¹⁹ *N. H. Prov. Papers*, I. 377, 438; *C. S. P., Col.*, 1677-1680, 1058.

²⁰ Schlesinger, *Colonial Appeals*, 281.

Further regulations relating to judicial review indicate greater uniformity. For example, at all times the Lords of Trade were careful to order, not only that an appeal must be made within fourteen days of the decree of the colonial court, but also that the execution of this decree should not be suspended on account of an appeal to the crown.²¹ In two instances however, exceptions were made to the latter ruling.²² Furthermore, as a result of the dismissal of two cases from New Hampshire for non-prosecution, an order in council was issued on January 23, 1684, which provided that "no Appeals bee for the future admitted at this Board from any of His Majesty's fforeign Plantations unless there bee sufficient Security first given by the Appellants, as well at this Board as in the respective Plantations to prosecute their Appeals effectually and to stand the Award of His Majesty in Council thereupon."²³ This order was repeated in subsequent commissions and instructions to the royal governors, and in the Massachusetts charter of 1691 there was inserted an additional provision requiring security from the appellee as well as from the appellant. The amount of security actually given varied from £400 in the case of *Darvall vs. Hall*, to £12,000 in the case of *Witham vs. Dutton*, but as a rule it was not higher than £2,000.²⁴ In 1686 the committee decided to allow the sum of £20 costs for each appeal to the person or persons in whose favor judgment was rendered by the King in Council.²⁵

The above description of the part taken by the Lords of Trade in hearing cases of appeal from colonial courts and also

²¹ *Board of Trade Papers, Virginia, 1689-1692*, 134-135; *N. H. Prov. Papers*, I. 438; *C. S. P., Col.*, 1677-1680, 1622.

²² *L. T. J.*, V. 115; *C. S. P., Col.*, 1689-1692, 834.

²³ *Plant. Gen., Entries*, 1675-1687, 101.

²⁴ *Acts and Res. of Mass.*, I. 15; *N. Y. Col. Docs.*, III. 379, 540; *A. P. C., Col.*, II. 32, 208; *C. S. P., Col.*, 1681-1685, 1661; 1685-1688, 196, 203; 1693-1696, 71.

²⁵ *L. T. J.*, VI. 42; *Plant. Gen., Entries*, 1675-1687, 236.

of the regulations effected through them relating thereto, may well be supplemented by an account of the main facts connected with the determination of a particular case. This will serve as a concrete illustration of the several points previously mentioned and consequently will aid in making them more easily comprehended. The case selected is that of *Witham vs. Dutton* both on account of its similarities to and differences from, the usual method of procedure in appeals.

In 1684 Sir John Witham was commissioned Deputy-Governor of Barbados during the absence of Governor Sir Richard Dutton. Upon the return of the latter, Witham was charged with certain irregularities in the administration of the government and thereupon summarily suspended from the council of Barbados and from all other public offices. On January 13, 1685, when the Lords of Trade considered an account of these proceedings, they found no good cause for the treatment which Witham had received, but pending the receipt of further documents, they decided to recommend that Governor Dutton be ordered to suspend any further proceedings against Witham until the whole matter had been brought before the King in Council. This recommendation was ordered in council on the following day and a letter in these terms accordingly despatched. In the meantime however, Governor Dutton had brought Witham to trial before the court of Grand Sessions in Barbados and had convicted him on three indictments, true copies of which he immediately transmitted to the committee. From these indictments Witham appealed to the king, but his appeal was not allowed by the court. When all this was brought to the attention of the committee on March 17, 1685, it did not hesitate to report to the king that the governor "had not done well in calling to an account in such manner a person who had had the chief command there; for which Sir Richard Dutton should have first received His Majesty's pleasure." It therefore reported that Witham be

allowed to appeal on giving sufficient security, that execution against him be suspended, that he be permitted to send over depositions and proofs in his own defense, and that Governor Dutton transmit a more detailed account of the evidence against him. This report was approved by an order in council on March 27th.²⁶

As soon as these orders reached the colony they were rigidly executed, Witham giving £ 12,000 security to prosecute his appeal before the King in Council. On October 8th, Dutton and Witham together with their respective attorneys attended the committee meeting in the council chamber. In order that he might make a reply to Witham's appeal, Dutton was supplied with copies of the several depositions and other papers relating to the case, and so also was Henry Walrond who, as chief justice of the court of Grand Sessions in Barbados, was likewise implicated in the charges of the appellant. A few days later all the persons concerned were again in attendance, and after the appeal of Witham had been read in full, the replies of Dutton and Walrond were presented, to which Witham was given orders to make his answer. This he promptly did and in addition brought forward a series of counter-charges against Dutton, who in turn was ordered to reply thereto. Finally, on October 31, the contesting parties were once more called before the committee and the whole case gone over in detail in the light of all the evidence thus presented. After considerable deliberation the Lords of Trade "taking notice of the great hardships and Injustice which Sir J. Witham appears to have suffered in this prosecution," offered their opinion to the king that the proceedings of Dutton and Walrond against the appellant were altogether "Violent and malicious," and recommended that Witham be restored to all his offices, that the fines imposed upon him be remitted, and

²⁶ *L. T. J.*, V. 68-70, 107, 111-117; *A. P. C.*, Col., II. 180; *C. S. P.*, Col., 1681-1685, 1060, 2023; 1685-1688, 95.

that he have permission to prosecute Dutton and Walrond "for his further satisfaction." An order in council of November 13th approved these recommendations in their entirety, and by the following April they were put into execution in Barbados. Meanwhile, Sir Richard Dutton had petitioned the committee asking to be pardoned for his actions.²⁷

No one can deny that in this case, just as in the majority of the others, the Lords of Trade gave the plaintiff and the defendant ample opportunity to present their side and arrived at a decision only after a careful consideration of the facts. While it must be conceded that there were some cases in which not as much time was consumed in hearing the evidence, nevertheless there were others in which more time was consumed and in which the committee showed more patience in attempting to get at the truth of the matter. There were few if any instances of arbitrary procedure. And in the long run the judgments thus handed down as a result of the reports of the committee appear to have been fair and just.

To summarize it may be said, as already noted, that twenty-six cases of appeal from the courts of the American colonies were found to have been brought before the Privy Council during 1675-1696. Eleven of these came from Barbados, six from New Hampshire, three from New York, and two each from Jamaica, the Leeward Islands, and the Bermudas. Hence judicial review was more active in the island than in the continental colonies. However, in four instances no decisions are recorded, while two suits were dismissed for non-prosecution and one because the appellant failed to give the required security, thus leaving only nineteen which were actually determined on their merits. Most suits involved litigation over real estate, infractions of the acts of trade, or disputes over fines and debts. In ten cases the de-

²⁷ *L. T. J.*, V. 197-198, 202-206, 209-210, 212-222; *A. P. C., Col.*, II. 180; *C. S. P., Col.*, 1686-1688, 201-203, 288, 413, 414, 429, 439, 448, 454, 626.

cisions of the colonial courts were affirmed, while in nine cases the decisions were reversed; and in all but four the Lords of Trade were responsible for the judgments rendered. At no time did the Privy Council reject or alter a report of the committee. These figures are the basis for the two statements previously made to the effect that the Lords of Trade actually determined the majority of judgments in cases of appeal that came before the Privy Council during 1675-1696, and that in arriving at a decision they acted justly and without prejudice.

Nor was the committee slow to dispose of a case. The time required for the determination of a suit by the Privy Council has been taken as the period between the order in council referring the petition or appeal to the Lords of Trade and the subsequent order in council deciding the issue. If the nineteen cases above mentioned are examined in this manner the results show that the average time consumed in reaching a decision was thirteen months. For eighty-nine per cent of the appeals this average was eleven months, and for fifty-nine per cent only five months. Indeed three cases were adjusted within two months, but then again it took two others two and three years respectively. These statistics prove that the average time requisite for the disposal of cases of appeal during 1675-1696 was considerably lower than in a later period,²⁸ and that this fact was due to the prompt and efficient actions of the Lords of Trade, who heard and determined most of the suits, is almost equally certain.

Closely related to appeals and at times hardly distinguishable from them, were complaints. Like the appeals, they were brought to the attention of the Lords of Trade through the Privy Council and were adjudicated in practically the same manner. But the complaints were far more numerous, and if all of them had been considered in the usual way the lords would have had

²⁸ Cf. Schlesinger, *Colonial Appeals*, 448.

but little time to devote to more important business. So in many instances after a complaint had been submitted to it, the committee referred it back to the colonial governor with orders that he attempt to settle the matter in dispute at first-hand, but in case the parties were not satisfied with the result, that the whole case be finally transferred to the Privy Council for determination. Complaints on every conceivable subject reached the committee from the colonies, including disputes and grievances of private individuals and of public officials. The Penn-Baltimore boundary controversy may be considered as a typical example.

In 1682 William Penn and Lord Baltimore became involved in a violent dispute over the boundaries of their respective provinces, Pennsylvania and Maryland. Penn, at this time, was on the verge of receiving a deed from the Duke of York for lands west and south of Delaware Bay and River; but when Baltimore heard of the proposed arrangement he strenuously objected to it on the ground that it constituted a violation of his patent and at once appealed to England for satisfaction. When the Lords of Trade became aware of this dispute on April 17, 1683, they ordered Lord Chancellor North to examine the patents of the two colonies and report his opinion on their boundaries at some future time when the agents of the contending parties would be present. Accordingly, on the following May 30, Penn's agent, Baltimore's agent and his attorney, and an attorney for the Duke of York attended the committee and presented their respective arguments. However, no decision was reached, nor indeed does the matter appear to have been taken up again until a year later, and then Baltimore himself was present. But now the committee decided to defer any further consideration of the case until Penn likewise came to England. So another year elapsed. Finally, Penn arrived, and during September, October and November of 1685, after the Duke of York had become King of England, the committee patiently listened to all the argu-

ments once more. In order to avoid "further differences," the lords eventually determined upon a compromise according to which the land in dispute was to be divided into two equal parts, the one half bordering on the Delaware Bay and the "Eastern Sea" to go to Penn, and the other half bordering on the Chesapeake Bay to go to Baltimore. That the king was not averse to this mode of settlement is evidenced by an order in council on November 13, which approved the report of the committee.²⁹

It is obvious then, that the determination of complaints by the Lords of Trade was a comparatively slow process. Sometimes this was due to their own procrastination, but more frequently to the distance between the plantations and the mother country and the consequent difficulty in getting at the facts. Moreover, these men were additionally handicapped by their lack of first-hand knowledge of the colonies, a condition which proved a greater hindrance in adjudicating complaints than appeals. While, therefore, the committee was at all times desirous of reaching a fair decision and of giving all parties equal opportunity to state their side, nevertheless when a dispute or grievance involving imperial interests was considered, it invariably took the imperial rather than the colonial point of view. And this can be easily understood, for it was appointed by the king and was expected to uphold the royal interests in all cases.

²⁹ *L. T. J.*, IV. 138-139, 154-156, 324; V. 9, 11, 188, 198-199, 207-208, 211-212, 225-226; *A. P. C., Col.*, II. 198; *C. S. P., Col.*, 1685-1688, 456.

CHAPTER VI

CONCLUSION

That the Lords of Trade were very active in their relations with the colonial governors and in judicial review, must therefore be admitted. But if we keep in mind that this committee was just as active in other important phases of colonial policy and administration such as legal review, trade, defense and imperial centralization, it will gradually become apparent that this was by no means an impotent body.¹ On the contrary, it occupied a very important place in the development of the old colonial system.

In the first place, the Lords of Trade and Plantations stand out in clear relief from any previous organ of colonial administration from the point of view of organization and length of activity. No former body of its kind had existed for so long a time. Indeed changes in imperial control in the past had been made with such lightening rapidity that the present-day historian finds it difficult to follow them. But for over twenty years this committee was the center of colonial administration, and during that time, in the face of frequent changes of membership, internal political disturbances, and complicated foreign relations, it succeeded, except for a few years, in giving the colonies a fair amount of consideration. Nor must it be forgotten that no for-

¹ These additional subjects are treated in part in the following works: Beer, *The Old Colonial System*, Part 1, I. 106-127; II. 274-354; Osgood, *The American Colonies in the Seventeenth Century*, III. 309-357, 378-443; Andrews, *Colonial Self Government*, 252-287; Root, *The Relations of Pennsylvania with the British Government*, 258-267, 336-339; Russell, *Review of American Colonial Legislation by the King in Council*, 21-38.

mer board was as highly organized. The routine methods that were gradually developed under previous committees, were taken over by the Lords of Trade, infused with new life, expanded and systematized, and in general carried out in a more efficient manner. All this was bequeathed to the later Board of Trade, which continued but did little to enlarge upon, the efficient method of organization of this committee.

Another factor worthy of consideration is the character of the committee's personnel. Among its most efficient members, as we have seen, were men with experience in colonial administration, diplomacy and maritime affairs, together with colonial proprietors and several who held stock in the great commercial companies. Yet none of these, like the members of the later Board of Trade, seem to have had a first-hand knowledge of the plantations, and as a result they frequently failed to appreciate the colonial point of view. However, this was not the fault of the members themselves nor of the committee as a whole, but of the system. A method of administration that diverted the attention of certain members of the Privy Council away from their regular duties and saddled them with the enormous responsibilities of colonial control, must be condemned today as unwise and inefficient. But in spite of all handicaps, in spite of religious and party strife, political upheavals, and a gigantic war, the members of the Lords of Trade found time to devote to the colonies, and the wonder is, not that they accomplished so little but that they accomplished as much as they did.

As a matter of fact, when we examine the achievements of the committee, it will at once become evident that it transacted a wider range of colonial business than any of its predecessors. Under it were first developed systematic methods for reviewing colonial laws and hearing appeals from colonial courts. Close tab was kept on the royal governors. All possible energies were directed toward the development of colonial trade, the enforce-

ment of the acts of trade and navigation, the enlargement of the plantation revenues, the consolidation of the colonies in the interest of the crown, and the defense of the dominions in time of war. That its efforts were not at all times successful was due not so much to its own inefficiency as to the inefficiency of the other departments of government which failed very frequently to work together in harmony. The scope and breadth of this committee's activities was subsequently inherited by the Board of Trade, which added very little to this method of procedure. But it will be remembered that the Lords of Trade were only an advisory body without any power to carry their decisions into effect. Yet the fact that the most active members of this committee were among those who finally passed upon its decisions in the Privy Council, almost gave it the authority of an executive department. Most power was centered in the committee, and it is a striking commentary on its efficiency and influence that the majority of its decisions were approved by the King in Council. In most instances therefore, the policies of colonial administration during 1675-1696, were apparently determined by the Lords of Trade.

In conclusion it may be said, that there is no intention to overemphasize or magnify the importance and influence of this committee. It is keenly realized that this period of English colonial administration was to a great extent one of transition and experiment, when a lot of mistakes were made to the detriment of England as well as the colonies. But as Dr. Beer well says, "in view of the prevalent philosophy of evolution we should, before condemning the policy of any age, look not at its absolute but at its relative, efficiency. No institution can be condemned from the historical standpoint, if it is really in advance of that which preceded."² If therefore, the Lords of Trade and Plan-

² Beer, *The Commercial Policy of England toward the American Colonies*, Columbia Univ. Studies, III. no. 2, 306.

tations are viewed in this light and judged not by our own standards but by the standards of the seventeenth century, the conclusion is inevitable that they injected new life into colonial administration between 1675 and 1696, and created precedents in imperial control that were followed in the subsequent development of the old colonial system.

APPENDIX A

COMPARISON OF THE HEADS OF INQUIRIES SENT TO THE COLONIAL GOVERNORS BY THE LORDS OF TRADE WITH THE INSTRUCTIONS ISSUED TO THE SELECT COUNCIL OF TRADE AND PLANTATIONS, SEPTEMBER 27, 1672.

HEADS OF INQUIRIES (L. T. J., l. 104-108)

1. What Councils, Assemblies, and Courts of Judicature are within your Government, and of what nature and Kinde.
2. What Courts of Judicature relating to the admiralty.
3. Where the Legislative and Executive Powers of your Government are seated.
4. What Statutes, Lawes, and ordinances are now made and in force.
5. What Number of Horse or foot are within your Government, Whether They be trained Bands, or standing Forces, How They are armed, divided and exercised.
6. What Castles and Forts are within Your Government and how Situated, as also what stores, and Provisions They are furnished with all.
7. What number of Privatiers or Pyrats, do frequent your Coast, What their Burthens are, the Num-

INSTRUCTIONS TO SELECT COUNCIL (Andrews, *British Committees*, 127-132)

15.What Councils, Assemblies and Courts of Judicatureare within the said Collonyes and Plantations, and of what Nature and Kind.
16. What Courts of Judicature they have relating to the Admiralty.
17. Where the Legislative and Executive Powers of their Governments are seated.
18. What Statutes Lawes, and Ordinances they have made, and are now in force.
19. What number of Horse and Foot they have and whether Trayned Bands, or Standing Forces.
20. What Castles or Forts they have, how situated and what Stores and Provisions they are furnished with.

INQUIRIES (Continued)

ber of Their Men and Guns, and the Names of the Comanders.

8. What is the strength of your bordering Neighbors, whether Indians or of any other Nation by Sea, and Land, and what is the state and condition of their Trade and Commerce.

9. What Correspondency do you keep with your Neighbors.

10. What Armes, Amunition, and stores doe you finde upon the Place, or have been sent unto you since upon his Majesty's accompt, when received, how Employed, and what part of them is remaying.

11. What Monyes have been paid, or appointed to be paid by his Majesty or levied within your Government for and towards the buying of Armes, or making or maintayning of any Fortifications or Castles, or for any other publique uses; and how have the monyes been expended.

12. What are the Boundaries, Longitude, Latitude, and Contents of the Land within your Government, what Number of Acres, Patented, Settled or unsettled, and how much is manurable Land.

13. What are the Principall Townes and Places of Trade, and what manner of Buildings are most used in your Colony, as to the Strength, and largnes of Them.

14. How many Parishes, Precincts, or Divisions, are within your Government.

15. What Rivers, harbors, and Roads are within your Government, and of what Dephts, and soundings They are.

INSTRUCTIONS (Continued)

21. What strength their Bordering Neighbours have by Sea and Land.

22. What Correspondency they keep with their Neighbours.

23. What Armes, Ammunition, and Stores have been sent unto the said Collonyes and Plantations upon our Accompt, when received, how Employed, and what part of them is there remaying and where.

24. What Moneys have been paid or appointed to be paid by Us, or Leavyed within the said severall Collonys, and Plantacons for and towards the buying of Armes, or making and Mayntaining of any Fortifications, or Castles, And how the said Moneys have been expended.

25. What the Boundaries, and Contents of their Lands are.

30.how many Parishes they have.

28. What Rivers, Harbours, and Roads they have, and of What Depths, and Soundings.

INQUIRIES (Continued)

16. What Commodities are there of the Production, groweths, and Manufacture of your Plantation, and of what Value Yearly, either Exported, or consumed upon the Place, and What Materials are there all ready growing, or may be produced for Shipping; As also what are the Commodities Imported, and of what Value yearly.

17. Whether Salt Peter is or may be produced within Your Plantation, and if so, in what quantity, and at what rates It may be delivered in England.

18. What number of merchants, and Planters, English or Forreiners Servants and Slaves, and how many of Them are men able to bear Armes.

19. What Number of English, Scotch, Irish, or Forreiners have for these Seaven yeares last past, in any other Space of tyme come yearly to Plant, and Inhabit within your Government and also what Blacks or Slaves have bin brought in within the said Tyme, and at what Rates.

20. What Number of Whites, Blacks, or Mulattos have been born and Christned for these Seaven yeares last past, or any other space of tyme for as many years as you are able to state an Accompt of.

21. What Number of Marriages for Seaven yeares last past or any other tyme for as many years as you are able to state an Accompt of.

22. What Number of People have yearly died within your Gov-

INSTRUCTIONS (Continued)

26. ...What Commodities there are of their production, growth, or Manufacture. What Materials for Shipping....

26.Whether Salt-petre is or may be produced in any of the said Collonyes or Plantations. And if so, At what Rates it may be delivered in England.

30. What number of Planters, Servants, and Slaves....

31. What Number of English, Scotch, or Irish doe yearly come, and what Blacks, or Slaves, are brought unto them.

32. What Number of People doe yearly dye within the said Col-

INQUIRIES (Continued)

ernment for Seaven Yeares past or any other tyme for as many yeares as you are able to State an Accompt of.

23. What Estimate can you make touching the Estates of the Severall Degrees of merchants, and Planters within Your Government, and how you may compute the Wealth of the Island in Generall.

24. What Number of Shippes, Sloops, or other Vessells doe Trade Yearly to and from Your Plantation, and of what built, and burthen, and whether there be any belonging to the Country.

25. What obstructions do you finde to the Improvement of the Trade and Navigation of the Plantations of Your Government.

26. What advantages and Improvements do you observe that may be granted to your Trade and Navigation.

27. What Rates and Dutyes are charged, and payable upon any Goods exported out of your Plantation whether of your own groweth, and Manufacture or otherwise as also upon Goods Imported, and to what publick Ends, or uses, are the same applied.

28. What Revenue doth or may arise to his Majesty within Your Government and of what nature is it, by whom is the same collected, and how answered and accompted to his Majesty.

29. What Persuasion in Religious matters is most prevalent, and among the Varieties which you are to expresse, what Proportions

INSTRUCTIONS (Continued)

longyes and Plantations both Whites, and Blacks.

33. What Number of Shippes doe Yearely Trade to and from the said Collonyes and Plantations, and of what Burthen they are.

34. What Obstructions there are, and What advantages may be gained to the Improvement of Their Trade and Navigation.

35. What Rates and Dutyes are charged and payable upon any Goods or Commodities exported out of the said Collonyes and Plantations, whether of their owne Growth and Manufacture or otherwise. As also upon Goods imported.

36. What Revenues doe or may arise unto Us within the said Collonyes and Plantations, and of what nature they are. By whome Collected, and how answered and Accompted unto Us.

INQUIRIES (Continued)

in Number and quality of People, the one holds to the other.

30. What course is taken for the Instructing of the People in the Christian Religion, How many Churches and Ministers are there with in Your Government, and how many are Yet wanting for the accomodation of your Colony, What Provision is there made for the Maintenance of Them, as also for releiving poor decayed and Impotent Persons, and whether you have any Beggars, or Idle Vagabonds.

INSTRUCTIONS (Continued)

37. And what Course they take about Instructing of their People in the Christian Religion And What Provision is made for the Maintenance of their Ministers.

APPENDIX B

ANNUAL NUMBER OF MEETINGS OF THE LORDS OF TRADE TO- GETHER WITH THE AVERAGE ATTENDANCE PER SESSION.

	NUMBER OF MEETINGS	AVERAGE ATTENDANCE
1675.....	45.....	6
1676.....	89.....	7
1677.....	72.....	6
1678.....	29.....	5
1679.....	48.....	7
1680.....	45.....	7
1681.....	42.....	8
1682.....	36.....	8
1683.....	37.....	8
1684.....	36.....	9
1685.....	36.....	10
1686.....	20.....	8
1687.....	15.....	7
1688.....	14.....	8
1689.....	51.....	5
1690.....	26.....	5
1691.....	45.....	5
1692.....	36.....	5
1693.....	29.....	6
1694.....	55.....	6
1695.....	42.....	6
1696.....	9.....	7
<hr/>		
Total.....	857	Average..... 7

APPENDIX C

APPROXIMATE NUMBER OF TIMES THAT BUSINESS RELATING TO THE
SEVERAL COLONIES CAME BEFORE THE LORDS OF TRADE,
1675-1696.

ISLAND COLONIES		CONTINENTAL COLONIES	
Jamaica . . .	272	Massachusetts . .	183
Barbados . . .	201	Virginia . . .	174
Leeward Islands .	181	New York . . .	90
Bermudas . . .	79	Maryland . . .	66
Newfoundland .	65	New Hampshire .	49
Bahamas . . .	7	Pennsylvania . .	23
		Rhode Island . .	13
		New Jersey . . .	12
		Carolina . . .	12
		Connecticut . . .	9

APPENDIX D

LENGTH AND FREQUENCY OF ATTENDANCE OF THE MOST ACTIVE MEMBERS OF THE LORDS OF TRADE

In computing the following care has been taken to secure the actual percentage of attendance of the several members. If a man dies in the middle of a year he is held responsible of course only for those meetings up to the time of his death. The same holds true of resignations, removals, and appointments.

	YEARS	PER CENT
Annesley, Arthur, Earl of Anglesey,	1675-1682	62
Belasyse, Thomas, Earl of Fauconberg,	1675-1689	26
Bennet, Henry, Earl of Arlington, . . .	1675-1683	14
Boscawen, Hugh,	1689-1696	34
Capel, Sir Henry,	1689-1693	15
Carteret, Sir George,	1675-1679	33
Conway, Earl of,	1681-1682	58
Coventry, Henry,	1675-1680	56
Craven, William, Earl of Craven,	{ 1675-1679 } { 1681-1688 }	{ 88 }
Egerton, John, Second Earl of Bridgewater,	1675-1686	46
Egerton, John, Third Earl of Bridgewater,	1691-1696	37
Ernle, Sir John,	1675-1688	32
Finch, Heneage, First Earl of Nottingham,	1675-1681	14
Finch, Daniel, Second Earl of Nottingham,	1689-1693	41
Godolphin, Sidney, Earl of Godolphin,	1680-1688	21
Goodricke, Sir Henry	1690-1696	81
Graham, Richard, Viscount Preston,	1685-1688	42

	YEARS	PER CENT
Herbert, William, Marquis of Powis,	1686-1688	45
Howard, Charles, Earl of Carlisle, .	1675-1678	23
Hyde, Henry, Second Earl of Clarendon,	1680-1685	61
Hyde, Lawrence, Earl of Rochester,	1680-1686	47
Jeffreys, George, Baron Jeffreys of Wem,	1685-1688	60
Jenkins, Sir Leoline,	1680-1684	78
Legge, William, Lord Dartmouth, .	1683-1688	26
Middleton, Charles, Earl of Middleton,	1685-1688	66
North, Francis, Lord Guilford, .	1680-1685	48
Osborne, Thomas, Earl of Danby,	1675-1678	21
Marquis of Carmarthen, .		60
Robartes, John, Earl of Radnor, .	1679-1684	62
Rupert, Prince, Count Palatine of the Rhine,	1679-1682	36
Savile, George, Marquis of Halifax, .	1679-1685	52
	1689-1690	84
Sidney, Henry, Earl of Romney, .	1694-1695	40
Spencer, Robert, Earl of Sunderland,	1679-1681	34
	1683-1688	62
Trenchard, Sir John,	1693-1694	44
Talbot, Charles, Earl of Shrewsbury,	1689-1690	52
	1694-1696	
Williamson, Sir Joseph,	1675-1679	75

APPENDIX E

BIBLIOGRAPHY

The following bibliography contains a list of only that material which has been of direct aid in the preparation of this thesis. Unless otherwise specified, this material has been drawn from the Library of the University of Pennsylvania.

I. MANUSCRIPT SOURCES

ADDITIONAL MSS. Vols. 15898, 17018, 21494, 22357, 28089. Transcribed from the original manuscript in the British Museum, London, for the Library of Congress.

The material of most use in these volumes has been the orders in council, in-letters to the Lords of Trade, and commissions and instructions to the royal governors.

BOARD OF TRADE, JOURNALS. 8 vols., 1675-1696. Transcribed from the original manuscript in the Public Record Office, London, for the Historical Society of Pennsylvania.

These are the official Journals of the Lords of Trade and Plantations and constitute the chief source for this thesis. As a rule they contain a detailed record of all the proceedings and business transacted, as well as abstracts of many in-letters and out-letters. Unfortunately the opinions of the individual members of the committee are very seldom recorded.

———PLANTATIONS GENERAL, ENTRY BOOKS. 2 vols., 1675-1696. Transcribed from the original manuscript in the Public Record Office, London, for the Library of Congress.

Since the entry books contain the out-letters of the committee in addition to its correspondence with the other departments and officials of the government, they have proved of great value in throwing light upon the policy of the Lords of Trade toward the American colonies.

———PLANTATIONS GENERAL, ORIGINAL DOCUMENTS, MISCELLANEOUS. 1 vol. Transcribed from the original manuscript in the Public Record Office, London, for the Library of Congress.

Contains a varied collection of original papers including orders in council and in-letters to the committee.

———PLANTATIONS GENERAL, ORIGINAL PAPERS. 1 vol., 1689-1696. Transcribed from the original manuscript in the Public Record Office, London, for the Historical Society of Pennsylvania.

A valuable collection of in-letters.

———COLONIAL PAPERS, VIRGINIA. (Parts of) 2 vols., 1675-1682, 1689-1696. Transcribed from the original manuscript in the Public Record Office, London, for the Library of Congress.

Contains instructions to Governor Andros and other papers of little value for this thesis.

EGERTON MSS. Vol. 2395. Transcribed from the original manuscript in the British Museum, London, for the Library of Congress.

This volume, because of its extensive collection of papers relating to the American colonies, was of some value, though most of the material is of an earlier date than 1675.

II. PRINTED SOURCES

1. DOCUMENTS

ACTS OF THE PRIVY COUNCIL, COLONIAL SERIES. Vols. I-II, and V. Edited by W. L. Grant and James Munro.

Many of the colonial papers are here printed in full; but it does not appear that all of the orders in council on colonial affairs are given or referred to.

CALENDAR OF STATE PAPERS, COLONIAL SERIES, AMERICA AND WEST INDIES. 9 vols., 1574-1696. Edited by W. N. Sainsbury and J. W. Fortescue.

This valuable series was of continuous use and, together with the Acts of the Privy Council, Colonial, was an indispensable supplement to the manuscript materials available. Though the editing is very well done, there are occasional inaccuracies of importance that would have proved misleading had not transcripts of the originals been at hand.

CALENDAR OF STATE PAPERS, DOMESTIC SERIES. 2 vols., 1651-1652, 1668-1669. Edited by M. A. E. Green.

Two volumes of this extensive series were used only infrequently.

CALENDAR OF TREASURY BOOKS. Vols. 4-7, 1672-1685. Prepared by W. A. Shaw.

These are calendars of the Treasury Books preserved in the Public Record Office, London. They were of prime importance to understand the finances of the committee.

Carr, Cecil T. Editor. SELECT CHARTERS OF TRADING COMPANIES, 1530-1707. Selden Society Publications, vol. 28. London, 1913.

Cobbett, William. PARLIAMENTARY HISTORY. Vols. 4-5, 1660-1702. London, 1808.

House of Commons. JOURNAL OF THE HOUSE OF COMMONS. Vols. 9-11, 1667-1697.

House of Lords. JOURNAL OF THE HOUSE OF LORDS. Vols. 13-15, 1675-1696.

——MSS. OF THE HOUSE OF LORDS, 1678-1693. Hist. MSS. Com. Reports, vol. 28, parts 1-4. London, 1887-1894.

——MSS. OF THE HOUSE OF LORDS, NEW SERIES, 1693-1697. Vols. 1-2. London, 1900-1903.

London GAZETTE, 1675-1696. Published by authority. Historical Society of Pennsylvania.

Maryland. ARCHIVES OF MARYLAND. Vol. VIII. Edited by W. H. Browne.

Massachusetts. THE ACTS AND RESOLVES, PUBLIC AND PRIVATE, OF THE PROVINCE OF THE MASSACHUSETTS BAY. Vol. 1, 1692-1714. Boston, 1869.

New Hampshire. DOCUMENTS AND RECORDS RELATING TO THE

PROVINCE OF NEW HAMPSHIRE. Vols. I and III. Edited by N. Bouton. Usually cited as NEW HAMPSHIRE PROVINCIAL PAPERS.

New Jersey. DOCUMENTS RELATING TO THE COLONIAL HISTORY OF THE STATE OF NEW JERSEY. Vols. 1 and 2, 1631-1703. Edited by W. A. Whitehead. Newark, 1880-1881. Usually cited as NEW JERSEY ARCHIVES, 1st series, vols. 1-2.

New York. COLONIAL LAWS OF NEW YORK. Vol. 1, 1664-1719. Albany, 1896.

——DOCUMENTS RELATING TO THE COLONIAL HISTORY OF NEW YORK. Compiled by J. R. Brodhead. Vols. 3-4. Edited by E. B. O'Callaghan. Albany, 1853-1854.

These two volumes have been of great use because they contain many of the colonial papers printed in full.

North Carolina. THE COLONIAL RECORDS OF NORTH CAROLINA. Vol. 1, 1662-1712. Edited by W. L. Saunders. Raleigh, 1886.

Pennsylvania. CHARTER TO WILLIAM PENN AND LAWS OF THE PROVINCE OF PENNSYLVANIA. 1 vol., 1682-1700. Harrisburg, 1879.

Rhode Island. RECORDS OF THE COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS IN NEW ENGLAND. Vol. 3. Compiled by J. R. Bartlett.

STATUTES OF THE REALM. Vols. 5-6.

2. DIARIES, CORRESPONDENCE AND MEMOIRS

Burnet, Gilbert. HISTORY OF HIS OWN TIME. Second edition enlarged. Vols. 1-4. Oxford, 1833.

Must always be used with caution.

Clarendon, Edward Hyde, 1st Earl of. LIFE OF EDWARD EARL OF CLARENDON. Written by himself. 3 vols. Oxford, 1827.

Courtenay, Thomas P. MEMOIRS OF THE LIFE, WORKS AND COR-

- RESPONDENCE OF SIR WILLIAM TEMPLE. 2 vols. London, 1836. Ridgway Branch, Philadelphia Library Company.
- Coxe, William, ed. PRIVATE AND ORIGINAL CORRESPONDENCE OF CHARLES TALBOT, DUKE OF SHREWSBURY. 1 vol. London, 1821. Ridgway Branch, Philadelphia Library Company.
- Evelyn, John. DIARY AND CORRESPONDENCE. Edited by William Bray. 4 vols. New edition. London, 1906.

Evelyn was appointed to the Select Council of Plantations in 1671, and also became a member of the Select Council of Trade and Plantations organized in 1672. He showed considerable interest in colonial affairs, was personally acquainted with many members of the Lords of Trade who had served on plantation committees before 1675, and as such his diary has proved of particular use in treating the personnel of the committee.

- Luttrell, Narcissus. A BRIEF HISTORICAL RELATION OF STATE AFFAIRS, FROM SEPTEMBER 1678 TO APRIL 1714. 6 vols. Oxford, 1857. Main Library, Philadelphia Library Company.
- Ormonde, Marquis of. CALENDAR OF THE MSS. OF THE MARQUISSE OF ORMONDE. Preserved at Kilkeny Castle. ORMONDE MSS. New Series. Vol. 4, London, 1906. Hist. MSS. Com. Reports, vol. 18, new series, part 4.
- Pepys, Samuel. DIARY. Edited by H. B. Wheatley. 10 vols. London, 1897-1899.

The well known diary of Pepys was not as useful as that of John Evelyn.

- Singer, Samuel W., ed. THE CORRESPONDENCE OF HENRY HYDE, EARL OF CLARENDON AND OF HIS BROTHER, LAWRENCE HYDE, EARL OF ROCHESTER. Edited from the original manuscripts. 2 vols. London, 1828. Ridgway Branch, Philadelphia Library Company.
- Toppa, Robert N. EDWARD RANDOLPH; including his letters and official papers from the colonies in America, 1676-1703. Prince Society Publications, 5 vols. Boston, 1898-1899. Vols. VI and VII, 1678-1700. Edited by A. T. S. Goodrick. Boston, 1909.

III. SECONDARY WORKS

1. SPECIAL ARTICLES

Andrews, Charles M., ed. LIST OF REPORTS AND REPRESENTATIONS OF THE PLANTATION COUNCILS, 1660-1674, THE LORDS OF TRADE, 1675-1696, AND THE BOARD OF TRADE, 1696-1782, IN THE PUBLIC RECORD OFFICE. Annual Report of the American Historical Association, 1913. Vol. 1, 321-406.

Carlyle, E. I. COMMITTEES OF COUNCIL UNDER THE EARLIER STUARTS. English Historical Review, 1906. Vol. XXI, 673-685.

Hazeltine, Harold D. APPEALS FROM COLONIAL COURTS TO THE KING IN COUNCIL, WITH ESPECIAL REFERENCE TO RHODE ISLAND. Annual Report of the American Historical Association, 1894. 299-350.

Schlesinger, Arthur M. COLONIAL APPEALS TO THE PRIVY COUNCIL. Political Science Quarterly, 1913. Vol. XXVIII, 279-297, 433-450.

Tanner, Edwin P. COLONIAL AGENCIES IN ENGLAND. Political Science Quarterly, March 1901. Vol. XVI, no. 1, 24-49.

Turner, Edward R. THE DEVELOPMENT OF THE CABINET, 1688-1760. American Historical Review, 1913. Vol. XVIII, 751-768.

—THE PRIVY COUNCIL OF 1679. English Historical Review, April, 1915. Vol. XXX, 251-270.

2. BIOGRAPHIES

Barbour, Violet. HENRY BENNET, EARL OF ARLINGTON. American Historical Association. Washington, 1914.

Clarke, J. S. LIFE OF JAMES II. 2 vols. London, 1816. Ridgway Branch, Philadelphia Library Company.

- Foxcraft, H. C. *THE LIFE AND LETTERS OF SIR GEORGE SAVILE, FIRST MARQUIS OF HALIFAX.* 2 vols. London, 1898.
- King, Lord. *THE LIFE OF JOHN LOCKE WITH EXTRACTS FROM HIS CORRESPONDENCE, JOURNALS, ETC.* 2 vols. London, 1830.

3. GENERAL AND SPECIAL WORKS

- Andrews, Charles M. *BRITISH COMMITTEES, COMMISSIONS, AND COUNCILS OF TRADE AND PLANTATIONS, 1622-1675.* Johns Hopkins University Studies, series XXVI, nos. 1-3. Baltimore, 1908.

This is by far the best discussion of the organs of colonial administration before 1675.

- *THE COLONIAL PERIOD.* New York, 1912.

- *COLONIAL SELF GOVERNMENT, 1652-1689.* New York, 1904.

Contains the best brief account of the Lords of Trade as well as a good description of the *quo warranto* proceedings against the colonial charters.

- *GUIDE TO THE MATERIALS FOR AMERICAN HISTORY TO 1783, IN THE PUBLIC RECORD OFFICE OF GREAT BRITAIN.* Vols. 1-2. Washington, 1912-1914.

This work is invaluable to the students of American colonial history as a guide to manuscript materials in the Public Record Office. It also contains a list of transcripts of these materials deposited in the Library of Congress and the Historical Society of Pennsylvania.

- Andrews, Charles M., and Davenport, Frances G. *GUIDE TO THE MANUSCRIPT MATERIALS FOR THE HISTORY OF THE UNITED STATES TO 1783, IN THE BRITISH MUSEUM, IN MINOR LONDON ARCHIVES, AND IN THE LIBRARIES OF OXFORD AND CAMBRIDGE.* Washington, 1908.

A similar guide to the former and just as important for investigators.

- Anson, W. R. *LAW AND CUSTOM OF THE CONSTITUTION. THE CROWN.* Vol. II. Revised edition. Oxford.

Has been of considerable aid in understanding the several executive departments of the government.

Baldwin, Simeon E. *THE AMERICAN JUDICIARY*. New York, 1905. Biddle Law Library, University of Pennsylvania.

Beer, George L. *THE COMMERCIAL POLICY OF ENGLAND TOWARD THE AMERICAN COLONIES*. Columbia University Studies, vol. 3, no. 2. New York, 1893.

——— *ORIGINS OF THE BRITISH COLONIAL SYSTEM, 1574-1660*. New York, 1908.

——— *THE OLD COLONIAL SYSTEM*. Vol. 1, parts 1 and 2. *THE ESTABLISHMENT OF THE SYSTEM, 1660-1688*. New York, 1912.

The best and most thorough work on the subject. Contains good accounts of the *quo warranto* proceedings against the colonial charters, the acts of trade and defense.

Chalmers, George. *INTRODUCTION TO THE HISTORY OF THE REVOLT OF THE AMERICAN COLONIES*. 2 vols. Boston, 1845.

——— *POLITICAL ANNALS OF THE PRESENT UNITED COLONIES FROM THEIR SETTLEMENT TO THE PEACE OF 1763*. Book I. London, 1780. Historical Society of Pennsylvania.

In the preparation of both of these works Chalmers had access to the original records. His *Political Annals* is of value not only for its good presentation of facts but also because it occasionally prints in full important letters and state papers.

Channing, Edward. *HISTORY OF THE UNITED STATES*. Vol. 2. *A CENTURY OF COLONIAL HISTORY, 1660-1760*. New York, 1908.

Cheyney, Edward P. *THE HISTORY OF ENGLAND FROM THE DEFEAT OF THE ARMADA TO THE DEATH OF ELIZABETH, 1588-1603*. Vol. 1. New York, 1914.

The most thorough and accurate history of the period. Includes an excellent chapter on the Privy Council in the time of Elizabeth.

Cunningham, William. *GROWTH OF ENGLISH INDUSTRY AND COMMERCE IN MODERN TIMES*. Vol. II, part 2. Cambridge, 1903.

Dickerson, Oliver M. *AMERICAN COLONIAL GOVERNMENT, 1696-1765*. A study of the British Board of Trade in its relation

to the American colonies, political, industrial, administrative. Cleveland, 1912.

Egerton, Hugh E. *SHORT HISTORY OF BRITISH COLONIAL POLICY*. London, 1905.

Fox, Charles, J. *HISTORY OF THE EARLY PART OF THE REIGN OF JAMES II*. London, 1808.

This work is practically worthless and has been used only on account of its appendix, which contains several important documents.

Greene, Evarts B. *PROVINCIAL AMERICA, 1690-1740*. New York, 1905.

——— *THE PROVINCIAL GOVERNOR IN THE ENGLISH COLONIES OF NORTH AMERICA*. Harvard Historical Studies, vol. 2. New York, 1898.

Kaye, Percy L. *ENGLISH COLONIAL ADMINISTRATION UNDER LORD CLARENDON, 1660-1667*. Johns Hopkins University Studies, series XXIII, nos. 5-6. Baltimore, 1905.

Kellogg, Louise P. *THE AMERICAN COLONIAL CHARTER*. Washington, 1904.

Lodge, Richard. *HISTORY OF ENGLAND FROM THE RESTORATION TO THE DEATH OF WILLIAM III, 1660-1702*. London, 1910.

Macaulay, Thomas B. *THE HISTORY OF ENGLAND FROM THE ACCESSION OF JAMES II*. Vols. 1-4. Philadelphia, 1875.

MacQueen, John. *A PRACTICAL TREATISE ON THE APPELLATE JURISDICTION OF THE HOUSE OF LORDS AND THE PRIVY COUNCIL*. London, 1842. Biddle Law Library, University of Pennsylvania.

NEW ENGLAND HISTORICAL AND GENEALOGICAL REGISTER, 1884. Vol. XXXVIII. Boston, 1884. Historical Society of Pennsylvania.

Used only for its list of the committee's books on New England.

North, Roger. *EXAMEN: OR AN ENQUIRY INTO THE CREDIT AND*

VERACITY OF A PRETENDED COMPLETE HISTORY. London, 1740. Ridgway Branch, Philadelphia Library Company.

A partisan work, but still of some value.

Osgood, Herbert L. THE AMERICAN COLONIES IN THE SEVENTEENTH CENTURY. Vol. 3. IMPERIAL CONTROL: BEGINNING OF THE SYSTEM OF ROYAL PROVINCES. New York, 1907.

The standard work on the American colonies. Contains a good account of imperial centralization.

Root, Winfred T. THE RELATIONS OF PENNSYLVANIA WITH THE BRITISH GOVERNMENT, 1696-1765. New York, 1912.

Includes a brief account of imperial centralization and defense before 1696.

Russell, Elmer B. REVIEW OF AMERICAN COLONIAL LEGISLATION BY THE KING IN COUNCIL. Columbia University Studies, vol. LXIV, no. 2. New York, 1915.

Treats of legal review by the Lords of Trade but does not exhaust the subject. This monograph is primarily concerned with the review of colonial laws after 1696.

Stephen, Leslie, and Lee, Sidney. DICTIONARY OF NATIONAL BIOGRAPHY. 63 vols. London, 1885-1903.

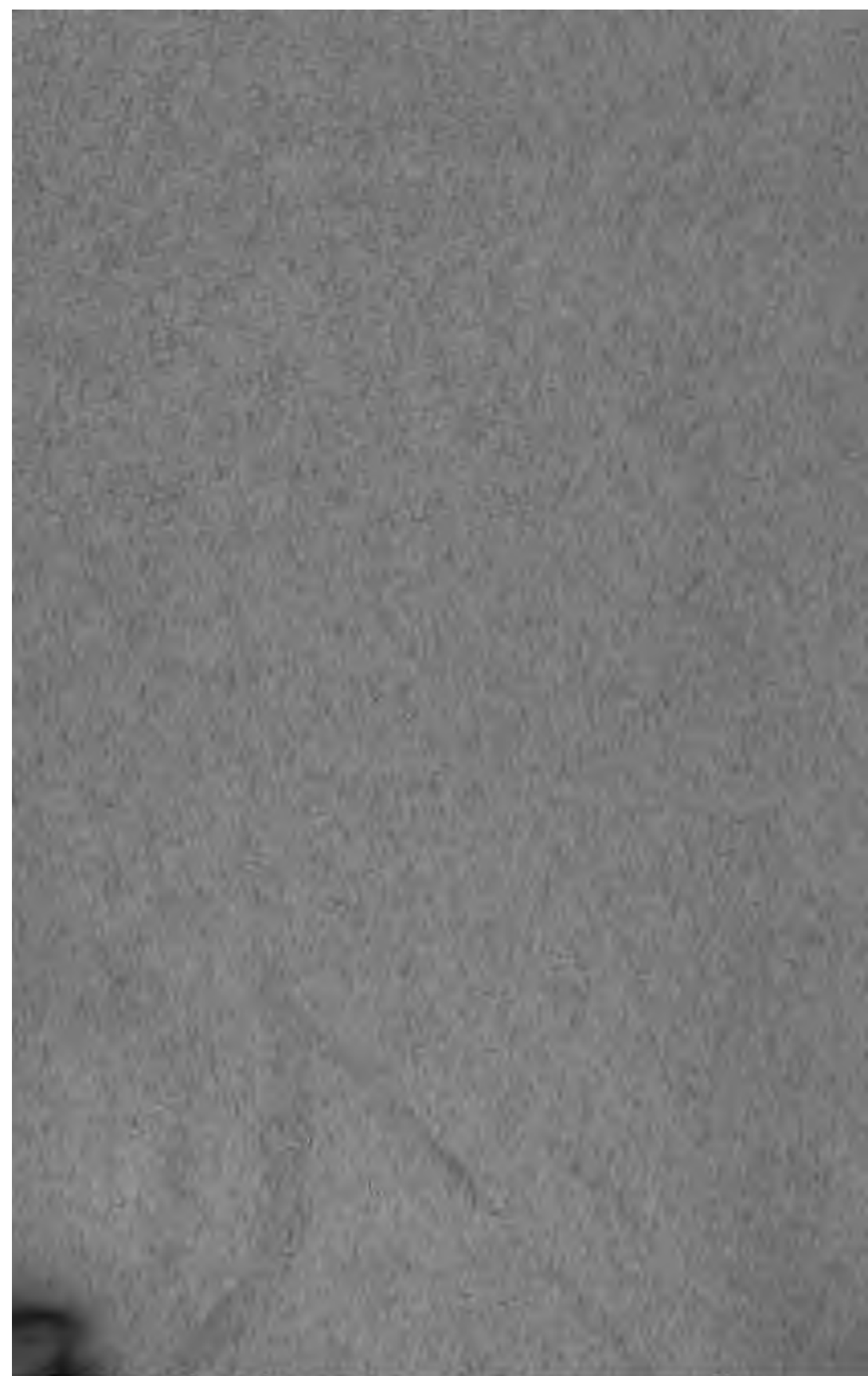
Important as a guide for further material on the personnel of the Lords of Trade.

Willson, Beckles. THE GREAT COMPANY, 1667-1871. 2 vols. London, 1900.

A history of the Hudson Bay Company.









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